Police Reform Act 2002

2002 CHAPTER 30

PART 1

POWERS OF THE SECRETARY OF STATE

1 National Policing Plan

After section 36 of the 1996 Act there shall be inserted—

"36A National Policing Plan

(1) It shall be the duty of the Secretary of State, before the beginning of each financial year, to prepare a National Policing Plan for that year.

(2) The Secretary of State shall lay the National Policing Plan for a financial year before Parliament.

(3) Subject to subsection (4), any such plan must be laid before Parliament not later than 30th November in the preceding financial year.

(4) If there are exceptional circumstances, any such plan may be laid before Parliament after the date mentioned in subsection (3); but it must be so laid before the beginning of the financial year to which it relates.

(5) If a plan is laid before Parliament after the date mentioned in subsection (3), the plan must contain a statement of the exceptional circumstances that gave rise to its being so laid.

(6) The National Policing Plan for a financial year—

(a) must set out whatever the Secretary of State considers to be the strategic policing priorities generally for the police forces maintained for police areas in England and Wales for the period of three years beginning with that year;

(b) must describe what, in relation to that period, the Secretary of State is intending or proposing so far as each of the following is concerned—

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(i) the setting of objectives under section 37 and the giving of general directions in relation to any objective so set;

(ii) the specification, under section 4 of the Local Government Act 1999 (c. 27) (performance indicators), of performance indicators (within the meaning of that section) for police authorities;

(iii) the making of regulations under the powers conferred by this Act, by Part 4 of the Criminal Justice and Police Act 2001 (c. 16) (police training) and by Part 2 of the Police Reform Act 2002 (c. 30) (complaints etc.);

(iv) the issuing of guidance under any provision of this Act or of Part 2 of the Police Reform Act 2002 (c. 30); and

(v) the issuing and revision of codes of practice under this Act and under Chapter 1 of Part 4 of the Police Reform Act 2002 (powers exercisable by civilians);

(c) may contain such other information, plans and advice as the Secretary of State considers relevant to the priorities set out in the plan.

(7) Before laying the National Policing Plan for a financial year before Parliament, the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; and

(c) such other persons as he thinks fit.

(8) In this section—

"financial year" means the period of twelve months ending with 31st March; and

"general direction" means a direction under section 38 establishing performance targets for all police authorities to which section 37 applies."

2 Codes of practice for chief officers

After section 39 of the 1996 Act (codes of practice for police authorities) there shall be inserted—

"39A Codes of practice for chief officers

(1) If the Secretary of State considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales, he may issue codes of practice relating to the discharge of their functions by the chief officers of police of those forces.

(2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.

(3) Where the Secretary of State proposes to issue or revise a code of practice under this section, he shall first require the Central Police Training and Development Authority to prepare a draft of the code or of the revisions; and the draft

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prepared by that Authority must contain all such matters as the Secretary of State may specify in the requirement.

(4) Before preparing a draft code of practice under this section or any draft revisions of such a code, the Central Police Training and Development Authority shall consult with—
  (a) persons whom it considers to represent the interests of police authorities;
  (b) persons whom it considers to represent the interests of chief officers of police; and
  (c) such other persons as it thinks fit.

(5) The Secretary of State shall lay any code of practice issued by him under this section, and any revision of any such code, before Parliament.

(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."

3 Powers to require inspection and report

(1) In section 54 of the 1996 Act (appointment and functions of inspectors of constabulary), after subsection (2A) there shall be inserted—

"(2B) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of—
  (a) a police force maintained for any police area;
  (b) the National Criminal Intelligence Service; or
  (c) the National Crime Squad;

and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the force, Service or Squad in question, to particular matters or to particular activities of that force, Service or Squad.

(2C) Where the inspectors carry out an inspection under subsection (2B), they shall send a report on that inspection to the Secretary of State.";

and in section 55(1) of that Act (publication of reports) for "or (2A)" there shall be substituted " , (2A) or (2C) ".

(2) In section 41 of the Police (Northern Ireland) Act 1998 (c. 32) (appointment and functions of inspectors), after subsection (3) there shall be inserted—

"(3A) The Secretary of State may at any time require the inspectors to carry out an inspection under this section of—
  (a) the Police Service of Northern Ireland; or
  (b) the National Criminal Intelligence Service;

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and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the Service in question, to particular matters or to particular activities of that Service.

(3B) Where the inspectors carry out an inspection under subsection (3A), they shall send a report on that inspection to the Secretary of State.";

and in section 42(1) of that Act (publication of reports) for "or (3)" there shall be substituted " , (3) or (3B) ".

4 Directions to police authorities

For section 40 of the 1996 Act (power to give directions in response to report on an inspection of a police force carried out for the purposes of that section) there shall be substituted—

"**40 Power to give directions to a police authority**

(1) Where a report made to the Secretary of State on an inspection under section 54 states, in relation to any police force maintained under section 2, or in relation to the metropolitan police force—

(a) that, in the opinion of the person making the report, the whole or any part of the force inspected is, whether generally or in particular respects, not efficient or not effective, or

(b) that, in that person's opinion, the whole or a part of the force will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken,

the Secretary of State may direct the police authority responsible for maintaining that force to take such remedial measures as may be specified in the direction.

(2) Those remedial measures must not relate to any matter other than—

(a) a matter by reference to which the report contains a statement of opinion falling within subsection (1)(a) or (b); or

(b) a matter that the Secretary of State considers relevant to any matter falling within paragraph (a).

(3) If the Secretary of State exercises his power to give a direction under this section in relation to a police force—

(a) he shall prepare a report on his exercise of that power in relation to that force; and

(b) he shall lay that report before Parliament.

(4) A report under subsection (3)—

(a) shall be prepared at such time as the Secretary of State considers appropriate; and

(b) may relate to more than one exercise of the power mentioned in that subsection.

(5) The Secretary of State shall not give a direction under this section in relation to any police force unless—

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(a) the police authority maintaining that force and the chief officer 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 appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;

(b) that police authority and chief officer have each been given an opportunity of making representations about those grounds;

(c) that police authority 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.

(6) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction under this section.

(7) Before making any regulations under this section, the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; and

(c) such other persons as he thinks fit.

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

(9) 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 Directions as to action plans

F1 . . . . . .

Textual Amendments

F1 S. 5 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(r)(iii)** (subject to arts. 6, 7)

6 Regulation of equipment

For subsections (2) and (3) of section 53 of the 1996 Act (regulations as to standard of equipment), there shall be substituted—

"(1A) The Secretary of State may by regulations make any or all of the following provisions—

(a) provision requiring all police forces in England and Wales, 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

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(iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;

(b) provision requiring all police forces in England and Wales 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 all police forces in England and Wales 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 police forces in England and Wales 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 all police forces in England and Wales from using equipment specified in the regulations, or any equipment of a description so specified.

(1B) The Secretary of State shall not make any regulations under subsection (1A) unless he considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales.

(2) Before making any regulations under this section, the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; 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—

(a) vehicles; and

(b) headgear and protective and other clothing."

7 Regulation of procedures and practices

After section 53 of the 1996 Act there shall be inserted—

"53A Regulation of procedures and practices

(1) The Secretary of State may by regulations make provision requiring all police forces in England and Wales—

(a) to adopt particular procedures or practices; or

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(b) to adopt procedures or practices of a particular description.

(2) Before making any regulations under this section, the Secretary of State shall seek advice from—
(a) the chief inspector of constabulary; and
(b) the Central Police Training and Development Authority.

(3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
(a) persons whom he considers to represent the interests of police authorities; and
(b) persons whom he considers to represent the interests of chief officers of police.

(4) A request for the purposes of subsection (2) may specify a period within which the requested advice is to be provided; and, if a period is so specified, the requested advice must be provided within it.

(5) Before giving any advice in response to a request for the purposes of subsection (2), the Central Police Training and Development Authority shall consult with—
(a) persons whom it considers to represent the interests of police authorities;
(b) persons whom it considers to represent the interests of chief officers of police; and
(c) such other persons as it thinks fit.

(6) The Secretary of State shall not make any regulations under this section requiring the adoption of any procedure or practice unless—
(a) he has, as respects that procedure or practice, received advice from the Central Police Training and Development Authority and has considered that advice;
(b) the advice of the chief inspector of constabulary states that that inspector is satisfied as to the matters mentioned in subsection (7); and
(c) the Secretary of State himself is satisfied as to those matters.

(7) Those matters are—
(a) that the adoption of that procedure or practice is necessary in order to facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations;
(b) that the making of regulations is necessary for securing the adoption of that procedure or practice; and
(c) that securing the adoption of that procedure or practice is in the national interest.

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

(9) A statutory instrument containing the first regulations to be made 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.

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(10) A statutory instrument containing any other regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament."

8 Equivalent provision for NCIS and NCS

F2 . . . . . .

Textual Amendments

F2 S. 8 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 180, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

PART 2

COMPLAINTS AND MISCONDUCT

Modifications etc. (not altering text)

C1 Pt. 2 power to apply amend or modify conferred (31.10.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 7 para. 7(1)**; S.I. 2011/2515, art. 2(d)

C2 Pt. 2 applied (with modifications) (22.11.2012) by The Police (Complaints and Misconduct) Regulations 2012 (S.I. 2012/1204), regs. 1(1), **35(1)** (with reg. 35(2))

C3 Pt. 2 applied (with modifications) (22.11.2012) by The Police (Complaints and Misconduct) Regulations 2012 (S.I. 2012/1204), regs. 1(1), **27**

C4 Pt. 2 applied (with modifications) (9.8.2013) by The Police (Complaints and Misconduct)(Old Cases) Regulations 2013 (S.I. 2013/1778), regs. 1(1), **2**

C5 Pt. 2 (ss. 9-29) applied (with modifications) (1.4.2004) by The Police (Complaints and Misconduct) Regulations 2004 (S.I. 2004/643), **regs. 21**, **29**, 30

C6 Pt. 2 (ss. 9-29) applied (1.4.2004) by The Police (Complaints and Misconduct) Regulations 2004 (S.I. 2004/643), **reg. 28**

C7 Pt. 2 (ss. 9-29) excluded (1.4.2004) by The Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671), **arts. 2(2)**, **3**

C8 Pt. 2 (ss. 9-29) excluded (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), regs. 3(7), **8**, **9**

C9 Pt. 2 (ss. 9-29): power to apply conferred (7.4.2005 at 5.45 p.m.) by Commissioners for Revenue and Customs Act 2005 (c. 11), **ss. 28(2)(a)**, 53; S.I. 2005/1126, **art. 2**

The Independent Police Complaints Commission

9 The Independent Police Complaints Commission

(1) There shall be a body corporate to be known as the Independent Police Complaints Commission (in this Part referred to as "the Commission").

(2) The Commission shall consist of—

(a) a chairman appointed by Her Majesty; and

(b) not less than **[**F3five **]** other members appointed by the Secretary of State.

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(3) A person shall not be appointed as the chairman of the Commission, or as another member of the Commission, if—

(a) he holds or has held office as a constable in any part of the United Kingdom;

(b) he is or has been under the direction and control of a chief officer or of any person holding an equivalent office in Scotland or Northern Ireland;

(c) he is a person in relation to whom a designation under section 39 is or has been in force;

(d) he is a person in relation to whom an accreditation under section 41 **[**[F4]or 41A**]** is or has been in force;

[[F5](da) he [F6]... has been the chairman or a member of, or a member of the staff of, the Serious Organised Crime Agency;**]**

[[F7](db) he [F8]... has been—

(i) the chairman or chief executive of, or

(ii) another member of, or

(iii) another member of the staff of,

the National Policing Improvement Agency;**]**

[[F9](dc) the person is, or has been, a National Crime Agency officer;**]**

(e) he [F10]. . . has been a member of the National Criminal Intelligence Service or the National Crime Squad; or

(f) he is or has at any time been a member of a body of constables which at the time of his membership is or was a body of constables in relation to which any procedures are or were in force by virtue of an agreement or order under—

(i) section 26 of this Act; or

(ii) section 78 of the 1996 Act or section 96 of the 1984 Act (which made provision corresponding to that made by section 26 of this Act).

(4) An appointment made in contravention of subsection (3) shall have no effect.

(5) The Commission shall not—

(a) be regarded as the servant or agent of the Crown; or

(b) enjoy any status, privilege or immunity of the Crown;

and the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.

(6) Schedule 2 (which makes further provision in relation to the Commission) shall have effect.

(7) The Police Complaints Authority shall cease to exist on such day as the Secretary of State may by order appoint.

Textual Amendments

F3 Word in s. 9(2)(b) substituted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 2**; S.I. 2011/2515, art. 3(f)

F4 Words in s. 9(3)(d) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 40**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F5 S. 9(3)(da) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 2(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F6 Words in s. 9(3)(da) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(a)**; S.I. 2013/1682, art. 3(v)

F7 S. 9(3)(db) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 81**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F8 Words in s. 9(3)(db) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(b)**; S.I. 2013/1682, art. 3(v)

F9 S. 9(3)(dc) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(c)**; S.I. 2013/1682, art. 3(v)

F10 Words in s. 9(3)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 2(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

Modifications etc. (not altering text)

C10 S. 9 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C11 S. 9 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C12 S. 9 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C13 S. 9 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

C14 S. 9 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**

Commencement Information

I1 S. 9 wholly in force at 1.4.2003; s. 9 not in force at Royal Assent, see s. 108(2); s. 9(2)-(4)(6) in force for certain purposes at 1.10.2002 by S.I. 2002/2306,{art. 2(b)(i)}; s. 9 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(a)**

10 General functions of the Commission

(1) The functions of the Commission shall be—

(a) to secure the maintenance by the Commission itself, and by **[**[F11]local policing bodies**]** and chief officers, of suitable arrangements with respect to the matters mentioned in subsection (2);

(b) to keep under review all arrangements maintained with respect to those matters;

(c) to secure that arrangements maintained with respect to those matters comply with the requirements of the following provisions of this Part, are efficient and effective and contain and manifest an appropriate degree of independence;

(d) to secure that public confidence is established and maintained in the existence of suitable arrangements with respect to those matters and with the operation of the arrangements that are in fact maintained with respect to those matters;

(e) to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters, and also of police practice in relation to other matters, as appear, from the carrying out by the Commission of its other functions, to be necessary or desirable; [F12]. . .

(f) to such extent as it may be required to do so by regulations made by the Secretary of State, to carry out functions in relation to [F13]. . . bodies of constables maintained otherwise than by **[**[F14]local policing bodies**]** which broadly correspond to those conferred on the Commission in relation to police forces by the preceding paragraphs of this subsection**[**[F15]; [F16]. . .

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(g) to carry out functions in relation to the **[**[F17]National Crime Agency**]** which correspond to those conferred on the Commission in relation to police forces by paragraph (e) of this subsection**][**[F18]; and

[F19](h) . . . . . .**]**

(2) Those matters are—

(a) the handling of complaints made about the conduct of persons serving with the police;

(b) the recording of matters from which it appears that there may have been conduct by such persons which constitutes or involves the commission of a criminal offence or behaviour justifying disciplinary proceedings;

[[F20](ba) the recording of matters from which it appears that a person has died or suffered serious injury during, or following, contact with a person serving with the police;**]**

(c) the manner in which any such complaints or any such matters as are mentioned in paragraph (b) **[**[F21]or (ba)**]** are investigated or otherwise handled and dealt with.

(3) The Commission shall also have the functions which are conferred on it by—

(a) [F22]. . . . . .

(b) any agreement or order under section 26 of this Act (other bodies of constables);

[[F23](bc) any regulations under section 26C of this Act (the National Crime Agency);**]**

(c) any regulations under section 39 of this Act (police powers for contracted-out staff); or

(d) any regulations or arrangements relating to disciplinary or similar proceedings against persons serving with the police, or against members of [F24]. . . any body of constables maintained otherwise than by a **[**[F25]local policing body**]** .

(4) It shall be the duty of the Commission—

(a) to exercise the powers and perform the duties conferred on it by the following provisions of this Part in the manner that it considers best calculated for the purpose of securing the proper carrying out of its functions under subsections (1) and (3); and

(b) to secure that arrangements exist which are conducive to, and facilitate, the reporting of misconduct by persons in relation to whose conduct the Commission has functions.

(5) It shall also be the duty of the Commission—

(a) to enter into arrangements with the chief inspector of constabulary for the purpose of securing co-operation, in the carrying out of their respective functions, between the Commission and the inspectors of constabulary; and

(b) to provide those inspectors with all such assistance and co-operation as may be required by those arrangements, or as otherwise appears to the Commission to be appropriate, for facilitating the carrying out by those inspectors of their functions.

(6) Subject to the other provisions of this Part, the Commission may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions.

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(7) The Commission may, in connection with the making of any recommendation or the giving of any advice to any person for the purpose of carrying out—

(a) its function under subsection (1)(e), [F26]. . .

(b) any corresponding function conferred on it by virtue of subsection (1)(f), **[**[F27]or

(c) its function under subsection (1)(g) **[**[F28]or (h)**]**,**]**

impose any such charge on that person for anything done by the Commission for the purposes of, or in connection with, the carrying out of that function as it thinks fit.

[F29](8) . . . . . .

[F30](9) . . . . . .

Textual Amendments

F11 Words in s. 10(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 278(2)**; S.I. 2011/3019, art. 3, Sch. 1

F12 Word in s. 10(1)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(2)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F13 Words in s. 10(1)(f) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(2)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F14 Words in s. 10(1)(f) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 278(2)**; S.I. 2011/3019, art. 3, Sch. 1

F15 S. 10(1)(g) and preceding word inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 3(2)(c)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F16 Word in s. 10(1) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F17 Words in s. 10(1)(g) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(2)(a)**; S.I. 2013/1682, art. 3(q)

F18 S. 10(1)(h) and preceding word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 82(2)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F19 S. 10(1)(h) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(2)(b)**; S.I. 2013/1682, art. 3(q)

F20 S. 10(2)(ba) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 2(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F21 Words in s. 10(2)(c) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 2(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F22 S. 10(3)(a) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(3)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F23 S. 10(3)(bc) substituted for s. 10(3)(ba)(bb) (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(3)**; S.I. 2013/1682, art. 3(q)

F24 Words in s. 10(3)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(3)(c), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F25 Words in s. 10(3)(d) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 278(3)**; S.I. 2011/3019, art. 3, Sch. 1

F26 Word in s. 10(7)(a) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

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F27 S. 10(7)(c) and preceding word inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 3(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F28 Words in s. 10(7)(c) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 82(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F29 S. 10(8) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 6(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F30 S. 10(9) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(4)**; S.I. 2013/1682, art. 3(q)

Modifications etc. (not altering text)

C15 S. 10 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C16 S. 10(7) applied (with modifications) (16.1.2012) by The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012/62), regs. 1, **3(5)** (with reg. 3(6))

11 Reports to the Secretary of State

(1) As soon as practicable after the end of each of its financial years, the Commission shall make a report to the Secretary of State on the carrying out of its functions during that year.

(2) The Commission shall also make such reports to the Secretary of State about matters relating generally to the carrying out of its functions as he may, from time to time, require.

(3) The Commission may, from time to time, make such other reports to the Secretary of State as it considers appropriate for drawing his attention to matters which—

(a) have come to the Commission's notice; and

(b) are matters that it considers should be drawn to his attention by reason of their gravity or of other exceptional circumstances.

(4) The Commission shall prepare such reports containing advice and recommendations as it thinks appropriate for the purpose of carrying out—

(a) its function under subsection (1)(e) of section 10; or

(b) any corresponding function conferred on it by virtue of subsection (1)(f) of that section.

(5) Where the Secretary of State receives any report under this section, he shall—

(a) in the case of every annual report under subsection (1), and

(b) in the case of any other report, if and to the extent that he considers it appropriate to do so,

lay a copy of the report before Parliament and cause the report to be published.

(6) The Commission shall send a copy of every annual report under subsection (1)—

(a) to every **[**[F31]local policing body**]**;

[F32](b) . . . . . .

[F33](c) . . . . . .

(d) to every authority that is maintaining a body of constables in relation to which any procedures are for the time being in force by virtue of any agreement or order under section 26 or by virtue of subsection (9) of that section**[**[F34]; and

[F35](e) . . . . . .**]**

[[F36](f) to the National Crime Agency.**]**

(7) The Commission shall send a copy of every report under subsection (3)—

(a) to any **[**[F37]local policing body**]** that appears to the Commission to be concerned; and

(b) to the chief officer of police of any police force that appears to it to be concerned.

[[F38](8) Where a report under subsection (3) relates to the **[**[F39]National Crime Agency**]**, the Commission shall send a copy of that report to the Agency.**]**

(9) Where a report under subsection (3) relates to a body of constables maintained by an authority other than a **[**[F40]local policing body**]**, the Commission shall send a copy of that report—

(a) to that authority; and

(b) to the person having the direction and control of that body of constables.

[F41](9A) . . . . . .

(10) The Commission shall send a copy of every report under subsection (4)to—

(a) the Secretary of State;

(b) every **[**[F42]local policing body**]**;

(c) every chief officer;

[F43](d) . . . . . .

[F44](e) . . . . . .

(f) every authority that is maintaining a body of constables in relation to which any procedures are for the time being in force by virtue of any agreement or order under section 26 or by virtue of subsection (9) of that section; [F45]. . .

(g) every person who has the direction and control of such a body of constables**[**[F46]; [F47]...

[F48](h) . . . . . .**][**[F49]; and

(i) the National Crime Agency.**]**

(11) The Commission shall send a copy of every report made or prepared by it under subsection (3) or (4) to such of the persons (in addition to those specified in the preceding subsections) who—

(a) are referred to in the report, or

(b) appear to the Commission otherwise to have a particular interest in its contents,

as the Commission thinks fit.

Textual Amendments

F31 Words in s. 11(6)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1

F32 S. 11(6)(b) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(2)(a)**; S.I. 2013/1682, art. 3(q)

F33 S. 11(6)(c) omitted (1.4.2006) by virtue of Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 4(2)**; S.I. 2006/378, art. 4(1), **Sch. para. 8** (subject to art. 4(2)-(7))

F34 S. 11(6)(e) and preceding word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 83(2)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

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F35 S. 11(6)(e) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(2)(a)**; S.I. 2013/1682, art. 3(q)

F36 S. 11(6)(f) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(2)(b)**; S.I. 2013/1682, art. 3(q)

F37 Words in s. 11(7)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1

F38 S. 11(8) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 4(3)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F39 Words in s. 11(8) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(3)**; S.I. 2013/1682, art. 3(q)

F40 Words in s. 11(9) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1

F41 S. 11(9A) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(4)**; S.I. 2013/1682, art. 3(q)

F42 Words in s. 11(10)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1

F43 S. 11(10)(d) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(5)(a)**; S.I. 2013/1682, art. 3(q)

F44 S. 11(10)(e) omitted (1.4.2006) by virtue of Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 4(4)**; S.I. 2006/378, art. 4(1), **Sch. para. 8** (subject to art. 4(2)-(7))

F45 Words in s. 11(6)(10) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F46 S. 11(10)(h) and preceding word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 83(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F47 Word in s. 11(10)(g) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(5)(b)**; S.I. 2013/1682, art. 3(q)

F48 S. 11(10)(h) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(5)(a)**; S.I. 2013/1682, art. 3(q)

F49 S. 11(10)(i) and preceding word inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(5)(c)**; S.I. 2013/1682, art. 3(q)

Modifications etc. (not altering text)

C17 S. 11 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Application of Part 2

12 Complaints, matters and persons to which Part 2 applies

(1) In this Part references to a complaint are references (subject to the following provisions of this section) to any complaint about the conduct of a person serving with the police which is made (whether in writing or otherwise) by—

(a) a member of the public who claims to be the person in relation to whom the conduct took place;

(b) a member of the public not falling within paragraph (a) who claims to have been adversely affected by the conduct;

(c) a member of the public who claims to have witnessed the conduct;

(d) a person acting on behalf of a person falling within any of paragraphs (a) to (c).

(2) In this Part "conduct matter" means (subject to the following provisions of this section, **[**[F50]section 28A and any regulations made under it,**]**[F51]... and any regulations made

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by virtue of section 23(2)(d)) any matter which is not and has not been the subject of a complaint but in the case of which there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings.

[[F52](2A) In this Part "death or serious injury matter" (or "DSI matter" for short) means **[**[F53](subject to section 28A and any regulations made under it)**]** any circumstances (other than those which are or have been the subject of a complaint or which amount to a conduct matter)—

(a) in or in consequence of which a person has died or has sustained serious injury; and

(b) in relation to which the requirements of either subsection (2B) or subsection (2C) are satisfied.

(2B) The requirements of this subsection are that at the time of the death or serious injury the person—

(a) had been arrested by a person serving with the police and had not been released from that arrest; or

(b) was otherwise detained in the custody of a person serving with the police.

(2C) The requirements of this subsection are that—

(a) at or before the time of the death or serious injury the person had contact (of whatever kind, and whether direct or indirect) with a person serving with the police who was acting in the execution of his duties; and

(b) there is an indication that the contact may have caused (whether directly or indirectly) or contributed to the death or serious injury.

(2D) In subsection (2A) the reference to a person includes a person serving with the police, but in relation to such a person "contact" in subsection (2C) does not include contact that he has whilst acting in the execution of his duties.**]**

(3) The complaints that are complaints for the purposes of this Part by virtue of subsection (1)(b) do not, except in a case falling within subsection (4), include any made by or on behalf of a person who claims to have been adversely affected as a consequence only of having seen or heard the conduct, or any of the alleged effects of the conduct.

(4) A case falls within this subsection if—

(a) it was only because the person in question was physically present, or sufficiently nearby, when the conduct took place or the effects occurred that he was able to see or hear the conduct or its effects; or

(b) the adverse effect is attributable to, or was aggravated by, the fact that the person in relation to whom the conduct took place was already known to the person claiming to have suffered the adverse effect.

(5) For the purposes of this section a person shall be taken to have witnessed conduct if, and only if—

(a) he acquired his knowledge of that conduct in a manner which would make him a competent witness capable of giving admissible evidence of that conduct in criminal proceedings; or

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(b) he has in his possession or under his control anything which would in any such proceedings constitute admissible evidence of that conduct.

(6) For the purposes of this Part a person falling within subsection 1(a) to (c) to shall not be taken to have authorised another person to act on his behalf unless—

(a) that other person is for the time being designated for the purposes of this Part by the Commission as a person through whom complaints may be made, or he is of a description of persons so designated; or

(b) the other person has been given, and is able to produce, the written consent to his so acting of the person on whose behalf he acts.

(7) For the purposes of this Part, a person is serving with the police if—

(a) he is a member of a police force;

[[F54](aa) he is a civilian employee of a police force;**]**

(b) he is an employee of **[**[F55]the Common Council of the City of London**]** who is under the direction and control of a chief officer; or

(c) he is a special constable who is under the direction and control of a chief officer.

Textual Amendments

F50 Words in s. 12(2) inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), **ss. 2(3)(a)**, 3(3)

F51 Words in s. 12(2) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(6)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F52 S. 12(2A)-(2D) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 3**; S.I. 2005/1521, **art. 3(1)(w)**

F53 Words in s. 12(2A) inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), **ss. 2(3)(b)**, 3(3)

F54 S. 12(7)(aa) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 280(a)**; S.I. 2011/3019, art. 3, Sch. 1

F55 Words in s. 12(7)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 280(b)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C18 S. 12 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

*Handling of complaints **[**[F56], conduct matters and DSI matters**]** etc.*

Textual Amendments

F56 Words in s. 13 cross-heading substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 4(a)**; S.I. 2005/1521, **art. 3(1)(w)**

13 Handling of complaints[[F57], conduct matters and DSI matters] etc.

Schedule 3 (which makes provision for the handling of complaints**[**[F58], conduct matters and DSI matters**]** and for the carrying out of investigations) shall have effect [F59]....

Textual Amendments

F57 Words in s. 13 heading substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 4(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F58 Words in s. 13 substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 4(c)**; S.I. 2005/1521, **art. 3(1)(w)**

F59 Words in s. 13 omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 6(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C19 S. 13 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Commencement Information

I2 S. 13 wholly in force at 1.4.2004; s. 13 not in force at Royal Assent; see s. 108(2); s. 13 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, arts. {2(b)(iii)}, 4(e); s. 13 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(a)**

[F60]14 Direction and control matters

. . . . . .

Textual Amendments

F60 S. 14 omitted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 4**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(2)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3)); S.I. 2012/2892, art. 2(g) (with art. 6)

Co-operation, assistance and information

15 General duties of [[F61]local policing bodies], chief officers and inspectors

(1) It shall be the duty of—

(a) every **[**[F62]local policing body**]** maintaining a police force,

(b) the chief officer of police of every police force, and

(c) every inspector of constabulary carrying out any of his functions in relation to a police force,

to ensure that it or he is kept informed, in relation to that force, about all matters falling within subsection (2).

[[F63](1A) It shall be the duty of the **[**[F64]National Crime Agency**]** to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).**]**

[F65](1B) . . . . . .

(2) Those matters are—

(a) matters with respect to which any provision of this Part has effect;

(b) anything which is done under or for the purposes of any such provision; and

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(c) any obligations to act or refrain from acting that have arisen by or under this Part but have not yet been complied with, or have been contravened.

[[F66](2A) Subsection (2B) applies in a case where it appears to a local policing body that—

(a) an obligation to act or refrain from acting has arisen by or under this Part,

(b) that obligation is an obligation of the chief officer of police of the police force which is maintained by the local policing body, and

(c) the chief officer has not yet complied with that obligation, or has contravened it.

(2B) The local policing body may direct the chief officer to take such steps as the local policing body thinks appropriate.

(2C) The chief officer must comply with any direction given under subsection (2B).**]**

(3) Where—

(a) a **[**[F67]local policing body**]** maintaining any police force requires the chief officer of that force or of any other force to provide a member of his force for appointment under paragraph 16, 17 or 18 of Schedule 3,

(b) the chief officer of police of any police force requires the chief officer of police of any other police force to provide a member of that other force for appointment under any of those paragraphs, or

[[F68](c) a **[**[F69]local policing body**]** or chief officer requires the Director General of the **[**[F70]National Crime Agency**]** to provide a **[**[F71]National Crime Agency officer**]** for appointment under any of those paragraphs,**]**

it shall be the duty of the chief officer **[**[F72]to whom the requirement is addressed or of the Director General**]** to comply with it.

(4) It shall be the duty of—

(a) every **[**[F73]local policing body**]** maintaining a police force,

(b) the chief officer of police of every police force, **[**[F74] and**]**

[[F75](c) the **[**[F76]National Crime Agency**]**,**]**

to provide the Commission and every member of the Commission's staff with all such assistance as the Commission or that member of staff may reasonably require for the purposes of, or in connection with, the carrying out of any investigation by the Commission under this Part.

(5) It shall be the duty of—

(a) every **[**[F77]local policing body**]** maintaining a police force,

(b) the chief officer of every police force, **[**[F78]and**]**

[[F79](c) the **[**[F80]National Crime Agency**]**,**]**

to ensure that a person appointed under paragraph 16, 17 or 18 of Schedule 3 to carry out an investigation is given all such assistance and co-operation in the carrying out of that investigation as that person may reasonably require

(6) The duties imposed by subsections (4) and (5) on a **[**[F81]local policing body**]** maintaining a police force and on the chief officer of such a force and on **[**[F82]the **[**[F83]National Crime Agency**]]** have effect—

(a) irrespective of whether the investigation relates to the conduct of a person who is or has been a member of that force or **[**[F84]a **[**[F85]a National Crime Agency officer**]]**; and

(b) irrespective of who has the person appointed to carry out the investigation under his direction and control;

but a chief officer of a third force may be required to give assistance and co-operation under subsection (5) only with the approval of the chief officer of the force to which the person who requires it belongs [F86] . . . .

(7) In subsection (6) "third force", in relation to an investigation, means a police force other than—

(a) the force to which the person carrying out the investigation belongs; or

(b) the force to which the person whose conduct is under investigation belonged at the time of the conduct;

[[F87] and where the person whose conduct is under investigation was a **[**[F88]National Crime Agency officer**]** at the time of the conduct, "third force" means any police force other than the force to which the person carrying out the investigation belongs.**]**

[[F89](8) Where the person who requires assistance and co-operation under subsection (5) is a **[**[F90]National Crime Agency officer**]**, a chief officer of a third force may be required to give that assistance and co-operation only with the approval of the Director General of the Agency.

[F91](8A) . . . . . .

[[F92](8B) In subsections (8) and (8A) "third force", in relation to an investigation, means any police force other than the force to which the person whose conduct is under investigation belonged at the time of the conduct.**]**

(9) Where—

(a) the person carrying out an investigation is not a **[**[F93]National Crime Agency officer**]**; and

(b) the person whose conduct is under investigation was not a **[**[F94]National Crime Agency officer**]** at the time of the conduct,

[[F95]the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the relevant directing officer.**]]**

[[F96](10) In subsection (9) "the relevant directing officer"—

(a) in a case where the person who requires assistance and co-operation belongs to a police force, means the chief officer of that force; [F97]...

[F98](b) . . . . . .**]**

Textual Amendments

F61 Words in s. 15 title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(2)**; S.I. 2011/3019, art. 3, Sch. 1

F62 Words in s. 15(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(3)**; S.I. 2011/3019, art. 3, Sch. 1

F63 S. 15(1A) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(2)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F64 Words in s. 15(1A) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(2)**; S.I. 2013/1682, art. 3(q)

F65 S. 15(1B) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(3)**; S.I. 2013/1682, art. 3(q)

F66 S. 15(2A)-(2C) inserted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 7**; S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)

F67 Words in s. 15(3)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(3)**; S.I. 2011/3019, art. 3, Sch. 1

F68 S. 15(3)(c) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(3)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F69 Words in s. 15(3)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(4)**; S.I. 2011/3019, art. 3, Sch. 1

F70 Words in s. 15(3)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(4)(a)**; S.I. 2013/1682, art. 3(q)

F71 Words in s. 15(3)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(4)(b)**; S.I. 2013/1682, art. 3(q)

F72 Words in s. 15(3) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(3)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F73 Words in s. 15(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(5)**; S.I. 2011/3019, art. 3, Sch. 1

F74 Word in s. 15(4)(b) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F75 S. 15(4)(c) substituted for s. 15(4)(c)(d) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F76 Words in s. 15(4)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(5)**; S.I. 2013/1682, art. 3(q)

F77 Words in s. 15(5)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(5)**; S.I. 2011/3019, art. 3, Sch. 1

F78 Word in s. 15(5)(b) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F79 S. 15(5)(c) substituted for s. 15(5)(c)(d) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F80 Words in s. 15(5)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(5)**; S.I. 2013/1682, art. 3(q)

F81 Words in s. 15(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(5)**; S.I. 2011/3019, art. 3, Sch. 1

F82 Words in s. 15(6) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(6)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F83 Words in s. 15(6) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(6)(a)**; S.I. 2013/1682, art. 3(q)

F84 Words in s. 15(6)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(6)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F85 Words in s. 15(6)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(6)(b)**; S.I. 2013/1682, art. 3(q)

F86 Words in s. 15(6) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 5(6)(c), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F87 Words in s. 15(7) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(7)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F88 Words in s. 15(7) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(7)**; S.I. 2013/1682, art. 3(q)

F89 S. 15(8)(9) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(8)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F90 Words in s. 15(8) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(8)**; S.I. 2013/1682, art. 3(q)

F91 S. 15(8A) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(9)**; S.I. 2013/1682, art. 3(q)

F92 S. 15(8A)(8B) substituted for words in s. 15(8) (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(3)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F93 Words in s. 15(9)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(10)(a)**; S.I. 2013/1682, art. 3(q)

F94 Words in s. 15(9)(b) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(10)(b)**; S.I. 2013/1682, art. 3(q)

F95 Words in s. 15(9) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F96 S. 15(10) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(5)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F97 Word in s. 15(10)(a) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(11)**; S.I. 2013/1682, art. 3(q)

F98 S. 15(10)(b) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(11)**; S.I. 2013/1682, art. 3(q)

Modifications etc. (not altering text)

C20 S. 15 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

16 Payment for assistance with investigations

(1) This section applies where—

(a) one police force is required to provide assistance to another in connection with an investigation under this Part; or

(b) a police force is required to provide assistance in such a connection to the Commission.

(2) For the purposes of this section—

(a) assistance is required to be provided by one police force to another in connection with an investigation under this Part if the chief officer of the first force ("the assisting force") complies with a requirement under section 15 (3) or (5) that is made in connection with

[[F99](i) an investigation relating to the conduct of a person who, at the time of the conduct, was a member of the other force, or

(ii) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of the other force; and**]**

(b) assistance is required to be provided in such a connection by a police force ("the assisting force") to the Commission if the chief officer of that force complies with a requirement under section 15(4) that is made in connection with

[[F100](i) an investigation relating to the conduct of a person who, at the time of the conduct, was not a member of that force, or

(ii) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, not a member of that force.**]**

(3) Where the assistance is required to be provided by one police force to another, the **[**[F101]local policing body**]** maintaining that other police force shall pay to the **[**[F101]local

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

policing body**]** maintaining the assisting force such contribution (if any) towards the costs of the assistance—

(a) as may be agreed between them; or

(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

(i) have been agreed to by **[**[F102]local policing bodies**]** generally; and

(ii) are for the time being in force with respect to the making of contributions towards the costs of assistance provided, in connection with investigations under this Part, by one police force to another; or

(c) in the absence of any such arrangements, as may be determined by the Secretary of State.

(4) Where the assistance is required to be provided by a police force to the Commission, the Commission shall pay to the **[**[F103]local policing body**]** maintaining the assisting force such contribution (if any) towards the costs of the assistance—

(a) as may be agreed between the Commission and **[**[F104]that body**]**; or

(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

(i) have been agreed to by **[**[F105]local policing bodies**]** generally and by the Commission; and

(ii) are for the time being in force with respect to the making of contributions towards the costs of assistance provided, in connection with investigations under this Part, to the Commission; or

(c) in the absence of any such arrangements, as may be determined by the Secretary of State.

[[F106](5) In this section (subject to subsection (6))—

(a) references to a police force and to a **[**[F107]local policing body**]** maintaining a police force include references to the **[**[F108]National Crime Agency**]**; and

(b) in relation to that Agency, references to the chief officer are references to the Director General.

(6) This section shall have effect in relation to cases in which assistance is required to be provided by the **[**[F109]National Crime Agency**]** as if—

(a) the reference in subsection (3)(b) to **[**[F110]local policing bodies**]** generally included a reference to the Agency; and

(b) the reference in subsection (4)(b) to **[**[F110]local policing bodies**]** generally were a reference to the Agency.**]**

(7) This section is without prejudice to the application of section 24 of the 1996 Act (assistance given voluntarily by one force to another) in a case in which assistance is provided, otherwise than in pursuance of any duty imposed by section 15 of this Act, in connection with an investigation under this Part.

Textual Amendments

F99 S. 16(2)(a)(i)(ii) substituted for words (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 5(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F100 S. 16(2)(b)(i)(ii) substituted for words (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 5(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F101 Words in s. 16(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F102 Words in s. 16(3)(b)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F103 Words in s. 16(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F104 Words in s. 16(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F105 Words in s. 16(4)(b)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(c)**; S.I. 2011/3019, art. 3, Sch. 1

F106 S. 16(5)(6) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 6**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F107 Words in s. 16(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(4)**; S.I. 2011/3019, art. 3, Sch. 1

F108 Words in s. 16(5)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 12(2)**; S.I. 2013/1682, art. 3(q)

F109 Words in s. 16(6) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 12(3)**; S.I. 2013/1682, art. 3(q)

F110 Words in s. 16(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(5)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C21 S. 16 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

[F111]16A Investigations: National Policing Improvement Agency involvement

. . . . . .

Textual Amendments

F111 S. 16A omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 13**; S.I. 2013/1682, art. 3(q)

17 Provision of information to the Commission

(1) It shall be the duty of—

(a) every **[**[F112]local policing body**]** , and

(b) every chief officer,

at such times, in such circumstances and in accordance with such other requirements as may be set out in regulations made by the Secretary of State, to provide the Commission with all such information and documents as may be specified or described in regulations so made.

(2) It shall also be the duty of every **[**[F113]local policing body**]** and of every chief officer—

(a) to provide the Commission with all such other information and documents specified or described in a notification given by the Commission to **[**[F114]that body**]** or chief officer, and

(b) to produce or deliver up to the Commission all such evidence and other things so specified or described,

as appear to the Commission to be required by it for the purposes of the carrying out of any of its functions.

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Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Anything falling to be provided, produced or delivered up by any person in pursuance of a requirement imposed under subsection (2) must be provided, produced or delivered up in such form, in such manner and within such period as may be specified in—

(a) the notification imposing the requirement; or

(b) in any subsequent notification given by the Commission to that person for the purposes of this subsection.

(4) Nothing in this section shall require a **[**[F115]local policing body**]** or chief officer—

(a) to provide the Commission with any information or document, or to produce or deliver up any other thing, before the earliest time at which it is practicable for **[**[F116]that body**]** or chief officer to do so; or

(b) to provide, produce or deliver up anything at all in a case in which it never becomes practicable for **[**[F116]that body**]** or chief officer to do so.

(5) A requirement imposed by any regulations or notification under this section may authorise or require information or documents to which it relates to be provided to the Commission electronically.

[F117](6) . . . . . .

Textual Amendments

F112 Words in s. 17(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(a)**; S.I. 2011/3019, art. 3, Sch. 1

F113 Words in s. 17(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(b)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F114 Words in s. 17(2)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(b)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F115 Words in s. 17(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(c)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F116 Words in s. 17(4)(a)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(c)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F117 S. 17(6) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 14**; S.I. 2013/1682, art. 3(q)

Modifications etc. (not altering text)

C22 S. 17 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Commencement Information

I3 S. 17 wholly in force at 1.4.2004; s. 17 not in force at Royal Assent, see s. 108(2); s. 17(1)(5) in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(a)**; s. 17 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(a)**

18 Inspections of police premises on behalf of the Commission

(1) Where—

(a) the Commission requires—

(i) a **[**[F118]local policing body**]** maintaining any police force, or

(ii) the chief officer of police of any such force,

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

to allow a person nominated for the purpose by the Commission to have access to any premises occupied for the purposes of that force and to documents and other things on those premises, and

(b) the requirement is imposed for any of the purposes mentioned in subsection (2),

it shall be the duty of **[**[F119]the body**]** or, as the case may be, of the chief officer to secure that the required access is allowed to the nominated person.

(2) Those purposes are—

(a) the purposes of any examination by the Commission of the efficiency and effectiveness of the arrangements made by the force in question for handling complaints or dealing with recordable conduct matters **[**[F120]or DSI matters**]**;

(b) the purposes of any investigation by the Commission under this Part or of any investigation carried out under its supervision or management.

(3) A requirement imposed under this section for the purposes mentioned in subsection (2)(a) must be notified to **[**[F121]the body**]** or chief officer at least 48 hours before the time at which access is required.

(4) Where—

(a) a requirement imposed under this section for the purposes mentioned in subsection (2)(a) requires access to any premises, document or thing to be allowed to any person, but

(b) there are reasonable grounds for not allowing that person to have the required access at the time at which he seeks to have it,

the obligation to secure that the required access is allowed shall have effect as an obligation to secure that the access is allowed to that person at the earliest practicable time after there cease to be any such grounds as that person may specify.

(5) The provisions of this section are in addition to, and without prejudice to—

(a) the rights of entry, search and seizure that are or may be conferred on—

(i) a person designated for the purposes of paragraph 19 of Schedule 3, or

(ii) any person who otherwise acts on behalf of the Commission,

in his capacity as a constable or as a person with the powers and privileges of a constable; or

(b) the obligations of **[**[F122]local policing bodies**]** and chief officers under sections 15 and 17.

Textual Amendments

F118 Words in s. 18(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F119 Words in s. 18(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F120 Words in s. 18(2)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 6**; S.I. 2005/1521, **art. 3(1)(w)**

F121 Words in s. 18(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(b)**; S.I. 2011/3019, art. 3, Sch. 1

F122 Words in s. 18(5)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(c)**; S.I. 2011/3019, art. 3, Sch. 1

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Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C23 S. 18 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

19 Use of investigatory powers by or on behalf of the Commission

(1) The Secretary of State may by order make such provision as he thinks appropriate for the purpose of authorising—

(a) the use of directed and intrusive surveillance, and

(b) the conduct and use of covert human intelligence sources,

for the purposes of, or for purposes connected with, the carrying out of the Commission's functions.

(2) An order under this section may, for the purposes of or in connection with any such provision as is mentioned in subsection (1), provide for—

(a) Parts 2 and 4 the Regulation of Investigatory Powers Act 2000 (c. 23) (surveillance and covert human intelligence sources and scrutiny of investigatory powers), and

(b) Part 3 of the 1997 Act (authorisations in respect of property),

to have effect with such modifications as may be specified in the order.

(3) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this section unless a draft of that order has been laid before Parliament and approved by a resolution of each House.

(4) Expressions used in this section and in Part 2 of the Regulation of Investigatory Powers Act 2000 have the same meanings in this section as in that Part.

Modifications etc. (not altering text)

C24 S. 19 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C25 S. 19 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C26 S. 19 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C27 S. 19 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

C28 S. 19 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**

20 Duty to keep the complainant informed

(1) In any case in which there is an investigation of a complaint in accordance with the provisions of Schedule 3—

(a) by the Commission, or

(b) under its management,

it shall be the duty of the Commission to provide the complainant with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (4).

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In any case in which there is an investigation of a complaint in accordance with the provisions of Schedule 3—
   (a) by the appropriate authority on its own behalf, or
   (b) under the supervision of the Commission,

   it shall be the duty of the appropriate authority to provide the complainant with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (4).

(3) Where subsection (2) applies, it shall be the duty of the Commission to give the appropriate authority all such directions as it considers appropriate for securing that that authority complies with its duty under that subsection; and it shall be the duty of the appropriate authority to comply with any direction given to it under this subsection.

(4) The matters of which the complainant must be kept properly informed are—
   (a) the progress of the investigation;
   (b) any provisional findings of the person carrying out the investigation;
   (c) whether any report has been submitted under paragraph 22 of Schedule 3;
   (d) the action (if any) that is taken in respect of the matters dealt with in any such report; and
   (e) the outcome of any such action.

(5) The duties imposed by this section on the Commission and the appropriate authority in relation to any complaint shall be performed in such manner, and shall have effect subject to such exceptions, as may be provided for by regulations made by the Secretary of State.

(6) The Secretary of State shall not by regulations provide for any exceptions from the duties imposed by this section except so far as he considers it necessary to do so for the purpose of—
   (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
   (b) preventing the disclosure of information in any circumstances in which it has been determined in accordance with the regulations that its non-disclosure—
      (i) is in the interests of national security;
      (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
      (iii) is required on proportionality grounds; or
      (iv) is otherwise necessary in the public interest.

(7) The non-disclosure of information is required on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure.

(8) Regulations under this section may include provision framed by reference to the opinion of, or a determination by, the Commission or any **[**[F123]local policing body**]** or chief officer.

(9) It shall be the duty of a person appointed to carry out an investigation under this Part to provide the Commission or, as the case may be, the appropriate authority with all such information as the Commission or that authority may reasonably require for the purpose of performing its duty under this section.

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F123 Words in s. 20(8) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 286**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C29 S. 20 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Commencement Information

I4 S. 20 wholly in force at 1.4.2004; s. 20 not in force at Royal Assent, see s. 108(2); s. 20(5)-(8) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(b)**; s. 20 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(a)**

21 Duty to provide information for other persons

(1) A person has an interest in being kept properly informed about the handling of a complaint **[**[F124], recordable conduct matter or DSI matter**]** if—

(a) it appears to the Commission or to an appropriate authority that he is a person falling within subsection (2) **[**[F125]or (2A)**]** ; and

(b) that person has indicated that he consents to the provision of information to him in accordance with this section and that consent has not been withdrawn.

(2) A person falls within this subsection if **[**[F126](in the case of a complaint or recordable conduct matter)**]**—

(a) he is a relative of a person whose death is the alleged result from the conduct complained of or to which the recordable conduct matter relates;

(b) he is a relative of a person whose serious injury is the alleged result from that conduct and that person is incapable of making a complaint;

(c) he himself has suffered serious injury as the alleged result of that conduct.

[[F127](2A) A person falls within this subsection if (in the case of a DSI matter)—

(a) he is a relative of the person who has died;

(b) he is a relative of the person who has suffered serious injury and that person is incapable of making a complaint;

(c) he himself is the person who has suffered serious injury.**]**

(3) A person who does not fall within subsection (2) **[**[F128]or (2A)**]** has an interest in being kept properly informed about the handling of a complaint **[**[F129], recordable conduct matter or DSI matter**]** if—

(a) the Commission or an appropriate authority considers that he has an interest in the handling of the complaint **[**[F129], recordable conduct matter or DSI matter**]** which is sufficient to make it appropriate for information to be provided to him in accordance with this section; and

(b) he has indicated that he consents to the provision of information to him in accordance with this section.

(4) In relation to a complaint, this section confers no rights on the complainant.

(5) A person who has an interest in being kept properly informed about the handling of a complaint **[**[F130], conduct matter or DSI matter**]** is referred to in this section as an "interested person".

(6) In any case in which there is an investigation of the complaint **[**[F131], recordable conduct matter or DSI matter**]** in accordance with the provisions of Schedule 3—

(a) by the Commission, or

(b) under its management,

it shall be the duty of the Commission to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (9).

(7) In any case in which there is an investigation of the complaint **[**[F131], recordable conduct matter or DSI matter**]** in accordance with the provisions of Schedule 3—

(a) by the appropriate authority on its own behalf, or

(b) under the supervision of the Commission,

it shall be the duty of the appropriate authority to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (9).

(8) Where subsection (7) applies, it shall be the duty of the Commission to give the appropriate authority all such directions as it considers appropriate for securing that that authority complies with its duty under that subsection; and it shall be the duty of the appropriate authority to comply with any direction given to it under this subsection.

(9) The matters of which the interested person must be kept properly informed are—

(a) the progress of the investigation;

(b) any provisional findings of the person carrying out the investigation;

[[F132](ba) whether the Commission or the appropriate authority has made a determination under paragraph 21A of Schedule 3;**]**

(c) whether any report has been submitted under paragraph 22 **[**[F133]or 24A**]** of Schedule 3;

(d) the action (if any) that is taken in respect of the matters dealt with in any such report; and

(e) the outcome of any such action.

(10) The duties imposed by this section on the Commission and the appropriate authority in relation to any complaint **[**[F134], recordable conduct matter or DSI matter**]** shall be performed in such manner, and shall have effect subject to such exceptions, as may be provided for by regulations made by the Secretary of State.

(11) Subsections (6) to (9) of section 20 apply for the purposes of this section as they apply for the purposes of that section.

(12) In this section "relative" means a person of a description prescribed in regulations made by the Secretary of State.

Textual Amendments

F124 Words in s. 21(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(2)**; S.I. 2005/1521, **art. 3(1)(w)**

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F125 Words in s. 21(1)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F126 Words in s. 21(2) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(4)**; S.I. 2005/1521, **art. 3(1)(w)**

F127 S. 21(2A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(5)**; S.I. 2005/1521, **art. 3(1)(w)**

F128 Words in s. 21(3) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(6)(a)**; S.I. 2005/1521, **art. 3(1)(w)**

F129 Words in s. 21(3) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(6)(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F130 Words in s. 21(5) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(7)**; S.I. 2005/1521, **art. 3(1)(w)**

F131 Words in s. 21(6)(7) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(8)**; S.I. 2005/1521, **art. 3(1)(w)**

F132 S. 21(9)(ba) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(9)**; S.I. 2005/1521, **art. 3(1)(w)**

F133 Words in s. 21(9)(c) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(10)**; S.I. 2005/1521, **art. 3(1)(w)**

F134 Words in s. 21(10) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(11)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C30 S. 21 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Commencement Information

I5 S. 21 wholly in force at 1.4.2004; s. 21 not in force at Royal Assent, see s. 108(2); s. 21(10)-(12) in force for certain purposes at 1.10.2002 by S.I .2002/2306, {art. 4(c)}; s. 21 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(a)**

Guidance and regulations

22 Power of the Commission to issue guidance

(1) The Commission may issue guidance—

(a) to **[**[F135]local policing bodies**]** ,

(b) to chief officers, and

(c) to persons who are serving with the police otherwise than as chief officers,

concerning the exercise or performance, by the persons to whom the guidance is issued, of any of the powers or duties specified in subsection (2).

(2) Those powers and duties are—

(a) those that are conferred or imposed by or under this Part; and

(b) those that are otherwise conferred or imposed but relate to—

(i) the handling of complaints;

(ii) the means by which recordable conduct matters **[**[F136]or DSI matters**]** are dealt with; or

(iii) the detection or deterrence of misconduct by persons serving with the police.

(3) Before issuing any guidance under this section, the Commission shall consult with—

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[[F137]**[**[F138](a) such persons as appear to the Commission 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 it thinks fit.

(4) The approval of the Secretary of State shall be required for the issue by the Commission of any guidance under this section.

(5) Without prejudice to the generality of the preceding provisions of this section, the guidance that may be issued under this section includes—

(a) guidance about the handling of complaints which have not yet been recorded and about dealing with recordable conduct matters **[**[F139]or DSI matters**]** that have not been recorded;

(b) guidance about the procedure to be followed by the appropriate authority when recording a complaint or any recordable conduct matter **[**[F140]or DSI matter**]**;

(c) guidance about—

(i) how to decide whether a complaint is suitable for being subjected to local resolution; [F141]...

[F142](ii) . . . . . .

(d) guidance about how to protect the scene of an incident or alleged incident which—

(i) is or may become the subject-matter of a complaint; or

(ii) is or may involve a recordable conduct matter **[**[F140]or DSI matter**]**;

(e) guidance about the circumstances in which it is appropriate (where it is lawful to do so)—

(i) to disclose to any person, or to publish, any information about an investigation of a complaint **[**[F143], conduct matter or DSI matter**]**; or

(ii) to provide any person with, or to publish, any report or other document relating to such an investigation;

(f) guidance about the matters to be included in a memorandum under paragraph 23 or 25 of Schedule 3 and about the manner in which, and the place at which, such a memorandum is to be delivered to the Commission.

(6) Nothing in this section shall authorise the issuing of any guidance about a particular case.

(7) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in exercising or performing the powers and duties to which the guidance relates.

(8) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.

Textual Amendments

F135 Words in s. 22(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 287(2)**; S.I. 2011/3019, art. 3, Sch. 1

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F136 Words in s. 22(2)(b)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 8(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F137 S. 22(3)(a)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 11**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F138 S. 22(3)(a)-(ab) substituted for s. 22(3)(a) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 287(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 65)

F139 Words in s. 22(5)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 8(3)(a)**; S.I. 2005/1521, **art. 3(1)(w)**

F140 Words in s. 22(5)(b)(d)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 8(3)(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F141 Word in s. 22(5)(c)(i) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 9(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F142 S. 22(5)(c)(ii) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 9(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F143 Words in s. 22(5)(e)(i) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 8(3)(c)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C31 S. 22 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C32 S. 22 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C33 S. 22 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C34 S. 22 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

C35 S. 22 applied (with modifications) (16.1.2012) by The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012/62), regs. 1, **4** (with reg. 3(6))

C36 S. 22 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**

23 Regulations

(1) The Secretary of State may make regulations as to the procedure to be followed under any provision of this Part.

(2) Without prejudice to the generality of the power conferred by subsection (1) or of any other power to make regulations conferred by any provision of this Part, the Secretary of State may also by regulations provide—

(a) for the appropriate authority, in the case of a complaint against any person, to be required, in accordance with procedures provided for in the regulations—

(i) to supply the person complained against with a copy of the complaint; and

(ii) to supply the complainant with a copy of the record made of that complaint;

(b) for the matters to be taken into account in making any determination as to which procedure to adopt for handling complaints and dealing with recordable conduct matters **[**[F144]and DSI matters**]**;

(c) for any procedure for the purposes of this Part to be discontinued where—

(i) a complaint is withdrawn;

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(ii) the complainant indicates that he does not wish any further steps to be taken; or

(iii) the whole or part of the investigation of the complaint has been postponed until the conclusion of criminal proceedings and the complainant fails to indicate after the conclusion of those proceedings that he wishes the investigation to be resumed;

and for the manner in which any such withdrawal or indication is to be effected or given, and for the circumstances in which it is to be taken as effected or given;

(d) for requiring the subject-matter of a complaint that has been withdrawn to be treated for the purposes of this Part, in the cases and to the extent specified in the regulations, as a recordable conduct matter;

(e) for the manner in which any procedure for the purposes of this Part is to be discontinued in a case where it is discontinued in accordance with the regulations, and for the consequences of any such discontinuance;

(f) for the circumstances in which any investigation or other procedure under this Part may be or must be suspended to allow any other investigation or proceedings to continue, and for the consequences of such a suspension;

(g) for the regulation of the appointment of persons to carry out investigations under this Part or to assist with the carrying out of such investigations, for limiting the persons who may be appointed and for the regulation of the carrying out of any such investigation;

[[F145](h) for combining into a single investigation the investigation of any complaint, conduct matter or DSI matter with the investigation or investigations of any one or more, or any combination, of the following—

(i) complaints (whether or not relating to the same conduct),

(ii) conduct matters, or

(iii) DSI matters,

and for splitting a single investigation into two or more separate investigations;**]**

(i) for the procedure to be followed in cases in which the Commission relinquishes the supervision or management of any investigation and for the consequences of its doing so;

(j) for the manner in which any reference of a complaint **[**[F146], conduct matter or DSI matter**]** to the Commission is to be made;

(k) for applying the provisions of this Part with such modifications as the Secretary of State thinks fit in cases where a complaint or recordable conduct matter relates to the conduct of a person who has ceased to be a person serving with the police since the time of the conduct;

(l) for applying the provisions of this Part with such modifications as the Secretary of State thinks fit in cases where a complaint or conduct matter relates to the conduct of a person—

(i) whose identity is unascertained at the time at which a complaint is made or a conduct matter is recorded;

(ii) whose identity is not ascertained during, or subsequent to, the investigation of a complaint or recordable conduct matter;

(m) for the Commission—

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) to be required to notify actions and decisions it takes in consequence of the receipt of a memorandum under paragraph 23 or 25 of Schedule 3; and

(ii) to be authorised to provide information in relation to the matters notified;

(n) for the records to be kept by **[**[F147]local policing bodies**]** and chief officers—

(i) with respect to complaints and purported complaints;

(ii) with respect to recordable conduct matters **[**[F148]or DSI matters**]** ; and

(iii) with respect to the exercise and performance of their powers and duties under this Part;

(o) for the Commission to be required to establish and maintain a register of such information provided to it in accordance with this Part as may be of a description specified in the regulations and for regulating the extent to which information stored on that register may be published or otherwise disclosed to any person by the Commission;

(p) for chief officers to have power to delegate the exercise or performance of powers and duties conferred or imposed on them by or under this Part;

(q) for the manner in which any notification for the purposes of any provision of this Part is to be given and the time at which, or period within which, any such notification must be given.

[[F149](r) for enabling representations on behalf of a person to whose conduct an investigation relates to be made to the Commission by a person who is not that person's legal representative but is of a description specified in the regulations.**]**

Textual Amendments

F144 Words in s. 23(2)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F145 S. 23(2)(h) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F146 Words in s. 23(2)(j) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(4)**; S.I. 2005/1521, **art. 3(1)(w)**

F147 Words in s. 23(2)(n) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 288**; S.I. 2011/3019, art. 3, Sch. 1

F148 Words in s. 23(2)(n)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(5)**; S.I. 2005/1521, **art. 3(1)(w)**

F149 S. 23(2)(r) inserted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 2**; S.I. 2008/2712, art. 2, **Sch. para. 17(a)** (subject to arts. 3, 4)

Modifications etc. (not altering text)

C37 S. 23 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C38 S. 23 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C39 S. 23 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C40 S. 23 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

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Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

24 Consultation on regulations

Before making any regulations under this Part, the Secretary of State shall consult with—

(a) the Commission;

[[F150]**[**[F151](b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ba) the Mayor's Office for Policing and Crime;

(bb) the Common Council;**]**

(c) the Association of Chief Police Officers; and**]**

(d) such other persons as he thinks fit.

Textual Amendments

F150 S. 24(b)(c) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 12**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F151 S. 24(b)-(bb) substituted for s. 24(b) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 289**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 66)

Modifications etc. (not altering text)

C41 S. 24 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C42 S. 24 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C43 S. 24 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C44 S. 24 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

C45 S. 24 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**

Commencement Information

I6 S. 24 wholly in force at 15.11.2003; s. 24 not in force at Royal Assent, see s. 108(2); s. 24 in force except for paragraph (a) at 1.10.2002 by S.I. 2002/2306, {art. 2(b)(vi)}; s. 24 in force in so far as not already in force at 15.11.2003 by S.I. 2003/2593, **art. 2(a)**

Conduct of persons in other forms of police service

25 NCIS and NCS

[F152] . . . . . .

Textual Amendments

F152 S. 25 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 7, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

26 Forces maintained otherwise than by [F153local policing bodies]

(1) Notwithstanding any provision made by or under any enactment passed or made before this Act—

(a) the Commission, and

(b) an authority other than a **[**F154local policing body**]** which maintains a body of constables,

shall each have power to enter into an agreement with the other for the establishment and maintenance in relation to that body of constables of procedures corresponding or similar to any of those provided for by or under this Part.

(2) If it appears to the Secretary of State appropriate to do so in relation to any body of constables maintained otherwise than by a **[**F155local policing body**]** to establish any such corresponding or similar procedures, he may by order—

(a) provide for the establishment and maintenance of such procedures in relation to that body of constables; and

(b) in a case in which procedures in relation to that body of constables have effect by virtue of subsection (9) or have previously been established by virtue of this section—

(i) provide for those procedures to be superseded by the provision made by the order; and

(ii) make transitional provision in connection with the replacement of the superseded procedures.

(3) It shall be the duty of the Secretary of State to secure that procedures are established and maintained under subsection (2) in relation to each of the following—

(a) the Ministry of Defence Police; and

(b) the British Transport Police Force.

(4) An agreement under this section shall not be made, varied or terminated except with the approval of the Secretary of State.

(5) An agreement or order under this section in relation to any body of constables may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement or order as disciplinary proceedings in relation to members of that body of constables.

(6) An agreement or order under this section in relation to any body of constables may provide for the application of procedures in relation to persons who are not themselves constables but are employed for the purposes of that body of constables and in relation to the conduct of such persons, as well as in relation to members of that body of constables and their conduct.

(7) Before making an order under this section the Secretary of State shall consult with both—

(a) the Commission; and

(b) the authority maintaining the body of constables to whom the order relates.

(8) Procedures established in accordance with any agreement or order under this section shall have no effect in relation to anything done outside England and Wales by any constable or any person employed for the purposes of a body of constables.

(9) Where, immediately before the coming into force of this section, any procedures have effect in relation to any body of constables by virtue of—

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(a) section 78 of the 1996 Act (which made provisions similar to that made by this section), or

(b) paragraph 13 of Schedule 8 to that Act (transitional provisions),

those procedures shall continue to have effect thereafter (notwithstanding the repeal by this Act of Chapter 1 of Part 4 of the 1996 Act and of that paragraph) until superseded by procedures established by virtue of any agreement or order under this section.

(10) Subsection (9) has effect subject to the provisions of any order made under section 28.

Textual Amendments

F153 Words in s. 26 title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 290(2)**; S.I. 2011/3019, art. 3, Sch. 1

F154 Words in s. 26(1)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 290(3)**; S.I. 2011/3019, art. 3, Sch. 1

F155 Words in s. 26(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 290(3)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C46 S. 26 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

C47 S. 26 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

[F156]26A Serious Organised Crime Agency

. . . . . .

Textual Amendments

F156 S. 26A omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 15**; S.I. 2013/1682, art. 3(q)

[F157]26B National Policing Improvement Agency

. . . . . .

Textual Amendments

F157 S. 26B omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 15**; S.I. 2013/1682, art. 3(q)

[[F158]26BA College of Policing

(1) The Commission and the College of Policing must enter into an agreement for the establishment, in relation to members of the College's staff, of procedures corresponding or similar to those provided for by or under this Part.

(2) An agreement under this section—

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(a) must not be made or varied except with the approval of the Secretary of State; and

(b) must not be terminated unless—

(i) it is replaced by another such agreement, and

(ii) the Secretary of State approves.

(3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary hearings in relation to members of the College's staff.

(4) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the College's staff.**]**

Textual Amendments

F158 S. 26BA inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 130**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 10

[F159 26C The National Crime Agency

(1) The Secretary of State must make regulations conferring functions on the Independent Police Complaints Commission in relation to the exercise of functions by the Director General and other National Crime Agency officers.

(2) Regulations under this section may, in particular—

(a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part of this Act;

(b) make provision for payment by the National Crime Agency to, or in respect of, the Independent Police Complaints Commission.

(3) Regulations under this section must relate only to the exercise of functions in, or in relation to, England and Wales.

(4) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—

(a) the Independent Police Complaints Commission has functions by virtue of this section, and

(b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.

(5) A National Crime Agency officer may disclose information to the Independent Police Complaints Commission, or to a person acting on the Commission's behalf, for the purposes of the exercise by the Commission, or by any person acting on the Commission's behalf, of an NCA complaints function.

(6) The Independent Police Complaints Commissioner and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—

(a) by virtue of this section, or

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(b) under the Parliamentary Commissioner Act 1967.

(7) Regulations under this section may, in particular, make—

(a) further provision about the disclosure of information under subsection (5) or (6);

(b) provision about the further disclosure of information that has been so disclosed;

including provision which applies (with or without modifications), or is similar to, any provision of Schedule 7 to the Crime and Courts Act 2013.

(8) Except as provided for in regulations under this section, that Schedule to that Act does not apply to—

(a) the disclosure of information under subsection (5) or (6), or

(b) the further disclosure of information so disclosed.

(9) In this section "NCA complaints function" means a function in relation to the exercise of functions by the Director General or any other National Crime Agency officer.**]**

Textual Amendments

F159 S. 26C inserted (8.5.2013 for specified purposes, 7.10.2013 in so far as not already in force) by Crime and Courts Act 2013 (c. 22), **ss. 11(6)**, 61(2); S.I. 2013/1042, **art. 2(d)**; S.I. 2013/1682, **art. 3(p)**

27 Conduct of the Commission's staff

(1) The Secretary of State shall by regulations make provision for the manner in which the following cases are to be handled or dealt with—

(a) cases in which allegations of misconduct are made against members of the Commission's staff; and

(b) cases in which there is otherwise an indication that there may have been misconduct by a member of the Commission's staff.

(2) Regulations under this section may apply, with such modifications as the Secretary of State thinks fit, any provision made by or under this Part.

(3) Regulations under this section may provide for it to be the duty of any person on whom functions are conferred by the regulations to have regard, in the carrying out of those functions, to any guidance given by such persons and in such manner as may be specified in the regulations.

(4) Before making any regulations under this section the Secretary of State shall consult with the Commission.

Modifications etc. (not altering text)

C48 S. 27 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C49 S. 27 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C50 S. 27 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

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Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

C51 S. 27 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

C52 S. 27 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**

Transitional provisions

28 Transitional arrangements connected with establishing the Commission etc.

(1) The Secretary of State may, in connection with the coming into force of any provision of this Part, by order make such transitional provision and savings (including provision modifying this Part) as he thinks fit.

(2) The Secretary of State may, for the purpose of facilitating the carrying out by the Commission of its functions, or in connection with the coming into force of any provision of this Part, by order make such provision as he thinks fit—

(a) for the transfer and apportionment of property; and

(b) for the transfer, apportionment and creation of rights and liabilities.

(3) The provision that may be made by an order under this section shall include provision that—

(a) pending the coming into force of any repeal by this Act of an enactment contained in Chapter 1 of Part 4 of the 1996 Act (complaints), or

(b) for transitional purposes connected with the coming into force of any such repeal,

the functions of the Police Complaints Authority under an enactment so contained are to be carried out by the Commission.

(4) The provision that may be made by an order under this section shall also include transitional provision in connection with the repeal by this Act of the reference to the Police Complaints Authority in Schedule 1 to the Superannuation Act 1972 (c. 11).

(5) An order under this section may—

(a) provide for the Secretary of State, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order; and

(b) make provision as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (a).

(6) Where a person—

(a) ceases to be a member of the Police Complaints Authority by reason of its abolition, and

(b) does not become a member of the Commission,

the Secretary of State may make a payment to that person of such amount as the Secretary of State may, with the consent of the Treasury, determine.

Modifications etc. (not altering text)

C53 S. 28 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Status: *Point in time view as at 23/03/2015.*
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[F160 28A Application of Part 2 to old cases

(1) The Commission may, if it considers that there are exceptional circumstances—
- (a) direct that a relevant transitional provision does not apply in relation to a pre-commencement matter, and
- (b) direct the appropriate authority to record the matter under this Part.

(2) A "pre-commencement matter" means a matter which—
- (a) is a complaint or a conduct matter,
- (b) relates to conduct which took place, or circumstances which occurred, before 1 April 2004, and
- (c) (apart from this section) is prevented by a relevant transitional provision from being recorded under this Part as a complaint or a conduct matter.

(3) "Relevant transitional provision" means article 2, 3 or 4 of the Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671).

(4) The Commission may, if it considers that there are exceptional circumstances, direct that a matter to which subsection (5) applies should be treated as a conduct matter or a DSI matter.

(5) This subsection applies to a matter which—
- (a) relates to conduct which took place, or circumstances which occurred, before 1 April 2004,
- (b) has been the subject of a relevant complaint, and
- (c) would be a conduct matter or a DSI matter if it had not been the subject of a relevant complaint.

(6) "Relevant complaint" means—
- (a) a complaint made before 1 April 2004, or
- (b) a complaint made on or after that date to which a relevant transitional provision applied.

(7) Where under subsection (1)(a) the Commission directs that a relevant transitional provision does not apply in relation to a pre-commencement matter, that provision does not apply in relation to that matter.

(8) The appropriate authority must comply with a direction under subsection (1)(b).

(9) Where under subsection (4) the Commission directs that a matter should be treated as a conduct matter or a DSI matter, the matter is (subject to any regulations under subsection (10)) to be treated as a conduct matter or a DSI matter for the purposes of this Part (including subsections (1) and (2)) and any provision made under it.

(10) The Secretary of State may by regulations provide for this Part or any provision made under it to apply with such modifications as the Secretary of State thinks fit to a matter in relation to which the Commission has made a direction under subsection (1) or (4).**]**

Textual Amendments

F160 S. 28A inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), **ss. 2(2)**, 3(3)

Status: *Point in time view as at 23/03/2015.*
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Interpretation of Part 2

29 Interpretation of Part 2

(1) In this Part—

[[F161]"the appropriate authority"—

(a) in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person, means—

(i) if that person is **[**[F162]the chief officer or an acting chief officer, the local policing body**]** for the area of the police force of which he is a member; and

(ii) if he is not **[**[F163]the chief officer or an acting chief officer**]** , the chief officer under whose direction and control he is; and

(b) in relation to a death or serious injury matter, means—

(i) if the relevant officer is **[**[F164]the chief officer or an acting chief officer, the local policing body**]** for the area of the police force of which he is a member; and

(ii) if he is not **[**[F165]the chief officer or an acting chief officer**]**, the chief officer under whose direction and control he is;**]**

[[F166]and, for the purposes of this definition, "acting chief officer" means a person exercising or performing functions of a chief constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011; a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of that Act; or a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839;**]**

"chief officer" means the chief officer of police of any police force;

"the Commission" has the meaning given by section 9(1);

"complainant" shall be construed in accordance with subsection (2);

"complaint" has the meaning given by section 12;

"conduct" includes acts, omissions**[**[F167], statements and decisions**]** (whether actual, alleged or inferred);

"conduct matter" has the meaning given by section 12;

[[F168]"death or serious injury matter" and "DSI matter" have the meaning given by section 12;**]**

"disciplinary proceedings" means—

(a) in relation to a member of a police force or a special constable, proceedings under any regulations made by virtue of section 50 or 51 of the 1996 Act and identified as disciplinary proceedings by those regulations; and

(b) in relation to a person serving with the police who is not a member of a police force or a special constable, proceedings identified as such by regulations made by the Secretary of State for the purposes of this Part;

"document" means anything in which information of any description is recorded;

"information" includes estimates and projections, and statistical analyses;

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"local resolution", in relation to a complaint, means the handling of that complaint in accordance with a procedure which—

(a) does not involve a formal investigation; and

(b) is laid down by regulations under paragraph 8 of Schedule 3 for complaints which it has been decided, in accordance with paragraph 6 of that Schedule, to subject to local resolution;

"person complained against", in relation to a complaint, means the person whose conduct is the subject-matter of the complaint;

"recordable conduct matter" means (subject to any regulations under section 23(2)(d))—

(a) a conduct matter that is required to be recorded by the appropriate authority under paragraph 10 or 11 of Schedule 3 or has been so recorded; or

(aa) **[**[F169]a conduct matter that is required to be recorded by the appropriate authority under section 28A(8) or has been so recorded;**]**

(b) [F170]. . . . . .

"relevant force", in relation to the appropriate authority, means—

(a) **[**[F171]if that authority is a local policing body, the police force which the body is responsible for maintaining; and**]**

(b) if that authority is the chief officer of police of a police force, his force;

[F172]. . . . . .

"serious injury" means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function;

"serving with the police", in relation to any person, shall be construed in accordance with section **[**[F173]12(7) to (10)**]** .

[[F174](1A) In this Part "the relevant officer", in relation to a DSI matter, means the person serving with the police (within the meaning of section **[**[F175]12(7) to (10)**]**)—

(a) who arrested the person who has died or suffered serious injury,

(b) in whose custody that person was at the time of the death or serious injury, or

(c) with whom that person had the contact in question;

and where there is more than one such person it means, subject to subsection (1B), the one who so dealt with him last before the death or serious injury occurred.

(1B) Where it cannot be determined which of two or more persons serving with the police dealt with a person last before a death or serious injury occurred, the relevant officer is the most senior of them.**]**

(2) References in this Part, in relation to anything which is or purports to be a complaint, to the complainant are references—

(a) except in the case of anything which is or purports to be a complaint falling within section 12(1)(d), to the person by whom the complaint or purported complaint was made; and

(b) in that case, to the person on whose behalf the complaint or purported complaint was made;

but where any person is acting on another's behalf for the purposes of any complaint or purported complaint, anything that is to be or may be done under this Part by or in relation to the complainant may be done, instead, by or in relation to the person acting on the complainant's behalf.

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(3) Subject to subsection (4), references in this Part, in relation to any conduct or anything purporting to be a complaint about any conduct, to a member of the public include references to any person falling within any of the following paragraphs (whether at the time of the conduct or at any subsequent time)—

(a) a person serving with the police;

[[F176](ca) a National Crime Agency officer; or**]**

(d) a person engaged on relevant service, within the meaning of section 97(1)(a) [F177]... or (d) of the 1996 Act **[**[F178](temporary service of various kinds)**]**.

(4) In this Part references, in relation to any conduct or to anything purporting to be a complaint about any conduct, to a member of the public do not include references to—

(a) a person who, at the time when the conduct is supposed to have taken place, was under the direction and control of the same chief officer as the person whose conduct it was; or

(b) a person who—

(i) at the time when the conduct is supposed to have taken place, in relation to him, or

(ii) at the time when he is supposed to have been adversely affected by it, or to have witnessed it,

was on duty in his capacity as a person falling within subsection (3)(a) to (d).

(5) For the purposes of this Part a person is adversely affected if he suffers any form of loss or damage, distress or inconvenience, if he is put in danger or if he is otherwise unduly put at risk of being adversely affected.

(6) References in this Part to the investigation of any complaint or matter by the appropriate authority on its own behalf, under the supervision of the Commission, under the management of the Commission or by the Commission itself shall be construed as references to its investigation in accordance with paragraph 16, 17, 18 or, as the case may be, 19 of Schedule 3.

(7) The Commissioner of Police for the City of London shall be treated for the purposes of this Part as if he were a member of the City of London police force.

Textual Amendments

F161 S. 29(1): definition of "the appropriate authority" substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 10(2)(a)**; S.I. 2005/1521, **art. 3(1)(w)**

F162 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F163 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F164 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(iii)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F165 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(iv)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

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F166 Words in s. 29(1) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(v)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F167 Words in s. 29(1) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 5(1)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F168 S. 29(1): definition of "death or serious injury matter" and "DSI matter" inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 10(2)(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F169 Words in s. 29(1)(aa) inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), **ss. 2(4)**, 3(3)

F170 Words in s. 29(1) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(6)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F171 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(b)**; S.I. 2011/3019, art. 3, Sch. 1

F172 Words in s. 29(1) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(c)**; S.I. 2012/2892, art. 2(i)

F173 Words in s. 29(1) substituted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 93(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(i)

F174 S. 29(1A)(1B) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 10(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F175 Words in s. 29(1A) substituted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 93(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(i)

F176 S. 29(3)(ca) substituted for s. 29(3)(b)(c) (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 16**; S.I. 2013/1682, art. 3(q)

F177 Word in s. 29(3)(d) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F178 Words in s. 29(3)(d) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 9(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

Modifications etc. (not altering text)

C54 S. 29 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

PART 3

REMOVAL, SUSPENSION AND DISCIPLINING OF POLICE OFFICERS

Removal and suspension of senior officers

30 Resignation in the interests of efficiency and effectiveness

(1) In section 9E of the 1996 Act (removal of Commissioner and Deputy Commissioner of Police of the Metropolis)—

(a) in subsection (1), for "to retire in the interests of efficiency or effectiveness" there shall be substituted " in the interests of efficiency or effectiveness, to retire or to resign "; and

(b) in subsection (3), for the words from "retire", in the first place where it occurs, to "earlier date" there shall be substituted " retire or resign under subsection (1), he shall retire or resign with effect from such date as the

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Metropolitan Police Authority may specify, or with effect from such earlier date ".

(2) In section 11 of that Act (removal of chief constables)—

(a) in subsection (2), for "to retire in the interests of efficiency or effectiveness" there shall be substituted " in the interests of efficiency or effectiveness, to retire or to resign "; and

(b) in subsection (4), for the words from "retire", in the first place where it occurs, to "earlier date" there shall be substituted " retire or resign under subsection (2), shall retire or resign with effect from such date as the police authority may specify, or with effect from such earlier date ".

31 Procedural requirements for removal of senior officers

(1) In subsection (2) of section 9E of the 1996 Act (removal of Commissioner of Police of the Metropolis) for the words from "an opportunity" to the end there shall be substituted "—

(a) an explanation in writing of the Authority's grounds for calling upon him, in the interests of efficiency or effectiveness, to retire or to resign; and

(b) an opportunity to make representations;

and the Authority shall consider any representations made by or on behalf of the Commissioner.

The opportunity given to the Commissioner to make representations must include the opportunity to make them in person."

(2) In subsection (3) of section 11 of the 1996 Act (removal of chief constable), for the words from "an opportunity" to the end there shall be substituted "—

(a) an explanation in writing of the authority's grounds for calling upon him, in the interests of efficiency or effectiveness, to retire or to resign; and

(b) an opportunity to make representations;

and the authority shall consider any representations made by or on behalf of the chief officer.

The opportunity given to the chief constable to make representations must include the opportunity to make them in person."

32 Suspension of senior officers

(1) In section 9E of the 1996 Act (removal of Commissioner and Deputy Commissioner of Police of the Metropolis), after subsection (2) there shall be inserted—

"(2A) The Metropolitan Police Authority, acting with the approval of the Secretary of State, may suspend the Commissioner of Police of the Metropolis from duty if—

(a) it is proposing to consider whether to exercise its power under subsection (1) to call upon the Commissioner to retire or to resign and is satisfied that, in the light of the proposal, the maintenance of public

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confidence in the metropolitan police force requires the suspension; or

(b) having been notified by the Secretary of State that he is proposing to consider whether to require the Authority to exercise that power, it is satisfied that, in the light of the Secretary of State's proposal, the maintenance of public confidence in that force requires the suspension; or

(c) it has exercised that power or been sent under section 42(2A) a copy of a notice of the Secretary of State's intention to require it to exercise that power, but the retirement or resignation has not yet taken effect;

and it shall be the duty of the Metropolitan Police Authority (without reference to the preceding provisions of this subsection) to suspend the Commissioner from duty if it is required to do so by the Secretary of State under section 42(1A)."

(2) In section 11 of that Act (appointment and removal of chief constables), after subsection (3) there shall be inserted—

"(3A) A police authority maintaining a police force under section 2, acting with the approval of the Secretary of State, may suspend from duty the chief constable of that force if—

(a) it is proposing to consider whether to exercise its power under subsection (2) to call upon the chief constable to retire or to resign and is satisfied that, in the light of the proposal, the maintenance of public confidence in that force requires the suspension; or

(b) having been notified by the Secretary of State that he is proposing to consider whether to require the police authority to exercise that power, it is satisfied that, in the light of the Secretary of State's proposal, the maintenance of public confidence in that force requires the suspension; or

(c) it has exercised that power or been sent under section 42(2A) a copy of a notice of the Secretary of State's intention to require it to exercise that power, but the retirement or resignation has not yet taken effect;

and it shall be the duty of a police authority maintaining such a force (without reference to the preceding provisions of this subsection) to suspend the chief constable of that force from duty if it is required to do so by the Secretary of State under section 42(1A)."

(3) In each of sections 9F(3), 9FA(3) and 9G(3) of that Act (application of sections 9E(1) to (3) in the case of Assistant Commissioners, Deputy Assistant Commissioners and Commanders), at the end there shall be inserted "but with the omission in subsection (2A)—

(a) of paragraph (b);

(b) in paragraph (c), of the words from "or been sent" to "exercise that power"; and

(c) of the words after paragraph (c)."

(4) In section 11A(3) of that Act (application of section 11(2) to (4) in the case of deputy chief constables), at the end there shall be inserted "but with the omission in subsection (3A)—

(a) of paragraph (b);

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(b) in paragraph (c), of the words from "or been sent" to "exercise that power"; and
(c) of the words after paragraph (c)."

(5) In section 12(3) of that Act (application of section 11(2), (3) and (4) in the case of assistant chief constables)—
(a) for ", (3) and" there shall be substituted " to "; and
(b) at the end there shall be inserted "but with the omission in subsection (3A) —
(a) of paragraph (b);
(b) in paragraph (c), of the words from "or been sent" to "exercise that power"; and
(c) of the words after paragraph (c)."

33 Removal etc. of senior officers at the instance of the Secretary of State

(1) Section 42 of the 1996 Act (role of the Secretary of State as respects removal of chief constables etc.) shall be amended as follows.

(2) For subsections (1) and (2) there shall be substituted—

"(1) The Secretary of State may—
(a) require the Metropolitan Police Authority to exercise its power under section 9E to call upon the Commissioner or Deputy Commissioner, in the interests of efficiency or effectiveness, to retire or to resign; or
(b) require a police authority maintaining a police force under section 2 to exercise its power under section 11 to call upon the chief constable of that force, in the interests of efficiency or effectiveness, to retire or to resign.

(1A) The Secretary of State may also, in any case falling within subsection (1B) in which he considers that it is necessary for the maintenance of public confidence in the force in question—
(a) require the Metropolitan Police Authority to suspend the Commissioner or Deputy Commissioner from duty; or
(b) require a police authority maintaining a police force under section 2 to suspend the chief constable of that force from duty.

(1B) The cases falling within this subsection are—
(a) where the Secretary of State is proposing to exercise his power under subsection (1) in relation to the Metropolitan Police Authority or, as the case may be, the other police authority in question, or is proposing to consider so exercising that power;
(b) where the Metropolitan Police Authority or the other police authority in question is itself proposing to exercise its power to call upon the Commissioner or Deputy Commissioner or, as the case may be, the chief constable of the force in question to retire or to resign, or is proposing to consider so exercising that power; and
(c) where the power mentioned in paragraph (a) or (b) has been exercised but the retirement or resignation has not yet taken effect.

(2) Before requiring the exercise by the Metropolitan Police Authority or any other police authority of its power to call upon the Commissioner or Deputy

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Commissioner or the chief constable of the force in question to retire or to 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 notice to the Metropolitan Police Authority or other police authority concerned.

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

(3) In subsection (3) (inquiries), for the words from the beginning to "subsection (1)" there shall be substituted—

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

(4) After subsection (3) there shall be inserted—

"(3A) At an inquiry held under subsection (3)—

(a) the Commissioner, Deputy Commissioner or, as the case may be, the chief constable in question shall be entitled, in accordance with any regulations under section 42A, to make representations to the inquiry;

(b) the Metropolitan Police Authority or, as the case may be, the police authority concerned shall be entitled, in accordance with any regulations made under section 42A, to make representations to the inquiry.

(3B) The entitlement of the Commissioner, Deputy Commissioner or, as the case may be, the chief constable in question to make representations shall include the entitlement to make them in person."

(5) In subsection (4) (expenses of inquiry), for the words "a chief constable, deputy chief constable or assistant chief constable" there shall be substituted " the Commissioner, the Deputy Commissioner or a chief constable ".

(6) After subsection (4) there shall be inserted—

"(4A) If the Secretary of State exercises the power conferred by subsection (1) in relation to the Commissioner or the Deputy Commissioner or a chief constable, the Metropolitan Police Authority or other police authority concerned—

(a) shall not be required to seek the Secretary of State's approval before calling upon the Commissioner or Deputy Commissioner or chief constable in question, in the interests of efficiency or effectiveness, to retire or to resign; and

(b) shall not be required to give the Commissioner, the Deputy Commissioner or the chief constable a written explanation of the authority's grounds for calling upon him to retire or to resign, to give

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him an opportunity to make representations to it or to consider any representations made by him.

(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.

(4C) In this section a reference to the police authority concerned, in relation to a chief constable, is to the police authority which maintains the police force of which he is chief constable."

(7) Subsection (5) (application to senior officers in the metropolitan police) shall cease to have effect.

34 Regulations concerning procedure for removal of senior officers

After section 42 of the 1996 Act, there shall be inserted—

"**42A Procedure in relation to removal of senior officers**

(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 9E, 11 or 42.

(2) Before making any regulations under this section, the Secretary of State shall consult with—
   (a) persons whom he considers to represent the interests of police authorities;
   (b) persons whom he considers to represent the interests of chief officers of police; 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."

Disciplinary proceedings and protected disclosures

35 Disciplinary regulations for special constables

In section 51 of the 1996 Act (regulations for special constables), in subsection (2), after paragraph (b) there shall be inserted—

"(ba) the conduct of special constables and the maintenance of discipline;".

36 Conduct of disciplinary proceedings

(1) Without prejudice to the generality of any of the powers conferred by sections 50 and 51 of the 1996 Act (regulations for police forces and for special constables), regulations under each of those sections may make provision—

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(a) for conferring a right to bring and conduct, or otherwise participate or intervene in, any disciplinary proceedings on the Independent Police Complaints Commission;

(b) for conferring a right to participate in, or to be present at, disciplinary proceedings on such persons as may be specified or described in the regulations; and

(c) for section 34 of the Criminal Justice and Public Order Act 1994 (c. 33) (inferences to be drawn from a failure to mention a fact when questioned or charged) to apply, with such modifications and in such cases as may be provided for in the regulations, to disciplinary proceedings.

(2) In this section "disciplinary proceedings" means any proceedings under any regulations made under section 50 or, as the case may be, section 51 of 1996 Act which are identified as disciplinary proceedings by those regulations.

37 Protected disclosures by police officers

(1) After section 43K of the Employment Rights Act 1996 (c. 18), there shall be inserted—

"**43KA Application of this Part and related provisions to police**

(1) For the purposes of—

(a) this Part,

(b) section 47B and sections 48 and 49 so far as relating to that section, and

(c) section 103A and the other provisions of Part 10 so far as relating to the right not to be unfairly dismissed in a case where the dismissal is unfair by virtue of section 103A,

a person who holds, otherwise than under a contract of employment, the office of constable or an appointment as a police cadet shall be treated as an employee employed by the relevant officer under a contract of employment; and any reference to a worker being "employed" and to his "employer" shall be construed accordingly.

(2) In this section "the relevant officer" means—

(a) in relation to a member of a police force or a special constable appointed for a police area, the chief officer of police;

(b) in relation to a person appointed as a police member of the NCIS, the Director General of NCIS;

(c) in relation to a person appointed as a police member of the NCS, the Director General of NCS;

(d) in relation to any other person holding the office of constable or an appointment as police cadet, the person who has the direction and control of the body of constables or cadets in question."

(2) In section 200(1) of that Act (provisions which do not apply to persons engaged in police service under a contract of employment)—

(a) the words ", Part IVA" and ", 47B" shall be omitted;

(b) after "sections 100" there shall be inserted " , 103A "; and

(c) after "section 100" there shall be inserted " or 103A ".

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(3) Section 13 of the Public Interest Disclosure Act 1998 (c. 23) (exclusion of police service from provisions about protected disclosures) shall cease to have effect.

PART 4

POLICE POWERS ETC.

CHAPTER 1

EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

38 Police powers for [F179civilian staff]

(1) The chief officer of police of any police force may **[**F180designate a relevant employee as an officer**]** of one or more of the descriptions specified in subsection (2).

(2) The description of officers are as follows—
- (a) community support officer;
- (b) investigating officer;
- (c) detention officer;
- (d) escort officer.

(3) F181. . . . . .

(4) A chief officer of police F182. . . shall not designate a person under this section unless he is satisfied that that person—
- (a) is a suitable person to carry out the functions for the purposes of which he is designated;
- (b) is capable of effectively carrying out those functions; and
- (c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred **[**F183or imposed**]** on him by virtue of the designation.

(5) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.

[F184(5A) A person designated under this section as a community support officer shall also have the standard powers and duties of a community support officer (see section 38A(2)).**]**

[F185(5B) The reference in subsection (4)(c) to the powers and duties to be conferred or imposed on a person by virtue of his designation, so far as it is a reference to the standard powers and duties of a community support officer, is a reference to the powers and duties that at the time of the person's designation are the standard powers and duties of a community support officer.**]**

(6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him by his designation of provisions of the applicable Part of Schedule 4 that are to apply to the designated person; and for this purpose the applicable Part of that Schedule is—
- (a) in the case of a person designated as a community support officer, Part 1;
- (b) in the case of a person designated as an investigating officer, Part 2;

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(c) in the case of a person designated as a detention officer, Part 3; and

(d) in the case of a person designated as an escort officer, Part 4.

[[F186](6A) Subsection (6) has effect subject to subsections (5A) and (8).**]**

(7) **[**[F187]A relevant employee**]**[F188]. . . authorised or required to do anything by virtue of a designation under this section—

(a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and

(b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.

(8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.

(9) Where any power exercisable by any person in reliance on his designation under this section includes power to use force to enter any premises, that power shall not be exercisable by that person except—

(a) in the company, and under the supervision, of a constable; or

(b) for the purpose of saving life or limb or preventing serious damage to property.

[[F189](11) In this section "relevant employee" means—

(a) in the case of—

(i) a police force maintained for a police area in accordance with section 2 of the Police Act 1996, or

(ii) the police force maintained for the metropolitan police district in accordance with section 5A of that Act,

a member of the civilian staff of that police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);

(b) in the case of any other police force, a person who—

(i) is employed by the police authority maintaining that force, and

(ii) is under the direction and control of the chief officer making a designation under subsection (1).**]**

Textual Amendments

F179 Words in s. 38 title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(2)**; S.I. 2011/3019, art. 3, Sch. 1

F180 Words in s. 38(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(3)**; S.I. 2011/3019, art. 3, Sch. 1

F181 S. 38(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 181(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F182 Words in s. 38(4) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 181(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F183 Words in s. 38(4)(c) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 2(2)**; S.I. 2007/3203, **art. 2(c)**

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F184 S. 38(5A) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), **ss. 7(1)**, 53; S.I. 2007/3203, **art. 2(a)**

F185 S. 38(5B) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 2(3)**; S.I. 2007/3202, **art. 2(c)**

F186 S. 38(6A) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 2(4)**; S.I. 2007/3203, **art. 2(c)**

F187 Words in s. 38(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(4)**; S.I. 2011/3019, art. 3, Sch. 1

F188 Words in s. 38(7) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 181(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F189 S. 38(11) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(5)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C55 S. 38 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(a)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

[F190 38A Standard powers and duties of community support officers

(1) The Secretary of State may by order provide for provisions of Part 1 of Schedule 4 to apply to every person who under section 38 is designated as a community support officer.

(2) The powers and duties conferred or imposed by the provisions for the time being applied under subsection (1) are to be known as the standard powers and duties of a community support officer.

(3) Before making an order under subsection (1), the Secretary of State shall consult with—

[F191 (a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ab) the Mayor's Office for Policing and Crime;

(ac) the Common Council of the City of London; and]

(b) the Association of Chief Police Officers.

(4) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by subsection (1) unless a draft of that order has been laid before Parliament and approved by a resolution of each House.

(5) A provision of Part 1 of Schedule 4 may be applied to a person concurrently by an order under subsection (1) and a designation under section 38.

(6) If an order under subsection (1) confers or imposes additional powers and duties on a person who is under the direction and control of a chief officer of police of a police force, that chief officer must ensure that the person receives adequate training in the exercise and performance of the additional powers and duties.]

Textual Amendments

F190 S. 38A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 7(2)**, 53; S.I. 2007/709, **art. 3(e)** (subject to arts. 6, 7)

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F191 S. 38A(3)(a)-(ac) substituted for s. 38A(3)(a) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 293**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 67)

[F192 38B Police powers for civilian employees under collaboration agreements

(1) The chief officer of police of a police force (the "assisted force") may designate a person ("C") who—

(a) is a civilian employee of another police force (the "assisting force"),

(b) is designated under section 38 by the chief officer of police of the assisting police force (the "section 38 designation"), and

(c) is permitted, under relevant police collaboration provision, to discharge powers and duties specified in that provision for the purposes of the assisted force.

(2) The designation under subsection (1) (the "collaboration designation") must designate C as an officer of one or more of the descriptions specified in section 38(2).

(3) The collaboration designation may designate C as an officer of a particular description specified in section 38(2) only if the section 38 designation designates C as an officer of that description.

(4) C shall have the powers and duties conferred or imposed on C by the collaboration designation.

(5) A power or duty may be conferred or imposed on C by the collaboration designation only if C is permitted, under the relevant police collaboration provision, to discharge that power or duty for the purposes of the assisted force.

(6) C shall not be authorised or required by virtue of the collaboration designation to engage in any conduct otherwise than in the course of discharging a power or duty conferred or imposed on C by the collaboration designation.

(7) The collaboration designation must specify the restrictions and conditions to which C is subject in the discharge of the powers and duties conferred or imposed by the collaboration designation.

(8) Those restrictions and conditions must include the restrictions and conditions specified in the relevant police collaboration provision.

(9) C is authorised or required to discharge any power or duty conferred or imposed by the collaboration designation subject to the restrictions and conditions specified in the collaboration designation.

(10) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force have the same meaning as in section 23B of the Police Act 1996.

(11) In this section—

"civilian employee" has the meaning given by section 23I of the Police Act 1996;

"relevant police collaboration provision" means provision, contained in a collaboration agreement under section 22A of the Police Act 1996, which is of the kind referred to in section 23AA of that Act.

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Textual Amendments

F192 Ss. 38B, 38C inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 3**; S.I. 2011/3019, art. 3, Sch. 1

38C Designations under section 38B: supplementary provision

(1) The collaboration designation of C must be in accordance with the relevant police collaboration provision.

(2) Subsection (1) is in addition to section 38B(5) and (8).

(3) Subsections (8) and (9) of section 38 apply to any power exercisable by C in reliance on the collaboration designation as they apply to a power exercisable by a person in reliance on a designation under section 38.

(4) In exercising or performing any power or duty in reliance on the collaboration designation, C is to be taken—

(a) as exercising or performing that power or duty in reliance on that collaboration designation (and not in reliance on any designation under section 38); and

(b) accordingly, as not being a designated person (within the meaning of section 46(1)) by virtue of any designation under section 38.

(5) Expressions used in this section and section 38B have the same meanings in this section as in section 38B.**]**

Textual Amendments

F192 Ss. 38B, 38C inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 3**; S.I. 2011/3019, art. 3, Sch. 1

39 Police powers for contracted-out staff

(1) This section applies if a **[**[F193]local policing body**]** has entered into a contract with a person ("the contractor") for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody.

(2) The chief officer of police of the police force maintained by that **[**[F193]local policing body**]** may designate any person who is an employee of the contractor as either or both of the following—

(a) a detention officer; or

(b) an escort officer.

(3) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.

(4) A chief officer of police shall not designate a person under this section unless he is satisfied that that person—

(a) is a suitable person to carry out the functions for the purposes of which he is designated;

(b) is capable of effectively carrying out those functions; and

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(c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred on him by virtue of the designation.

(5) A chief officer of police shall not designate a person under this section unless he is satisfied that the contractor is a fit and proper person to supervise the carrying out of the functions for the purposes of which that person is designated.

(6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him by his designation of provisions of the applicable Part of Schedule 4 that are to apply to the designated person; and for this purpose the applicable Part of that Schedule is—

(a) in the case of a person designated as a detention officer, Part 3; and

(b) in the case of a person designated as an escort officer, Part 4.

(7) An employee of the contractor authorised or required to do anything by virtue of a designation under this section—

(a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and

(b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.

(8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.

(9) The Secretary of State may by regulations make provision for the handling of complaints relating to, or other instances of misconduct involving, the carrying out by any person designated under this section of the functions for the purposes of which any power or duty is conferred or imposed by his designation.

(10) Regulations under subsection (9) may, in particular, provide that any provision made by Part 2 of this Act with respect to complaints against persons serving with the police is to apply, with such modifications as may be prescribed by them, with respect to complaints against persons designated under this section.

(11) Before making regulations under this section, the Secretary of State shall consult with—

[[F194]**[**[F195](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 of the City of London; and**]**

(b) the Association of Chief Police Officers;**]**

(c) the Independent Police Complaints Commission; and

(d) such other persons as he thinks fit.

(12) A designation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (13), shall remain in force for such period as may be specified in the designation; but it may be renewed at any time with effect from the time when it would otherwise expire.

(13) A designation under this section shall cease to have effect—

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(a) if the designated person ceases to be an employee of the contractor; or
(b) if the contract between the **[**[F196]local policing body**]** and the contractor is terminated or expires.

Textual Amendments

F193 Words in s. 39(1)(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 294(2)**; S.I. 2011/3019, art. 3, Sch. 1

F194 S. 39(11)(a)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 13**; S.I. 2007/709, **art. 3(d)**

F195 S. 39(11)(a)-(ab) substituted for s. 39(11)(a) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 294(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 68)

F196 Words in s. 39(13)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 294(4)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C56 S. 39 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(b)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

Commencement Information

I7 S. 39 wholly in force at 1.4.2003; s. 39 not in force at Royal Assent, see s. 108(2); s. 39(9)(10)(11)(a)(b) and (d) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(d)(i)**; s. 39 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(b)**

40 Community safety accreditation schemes

(1) The chief officer of police of any police force may, if he considers that it is appropriate to do so for the purposes specified in subsection (3), establish and maintain a scheme ("a community safety accreditation scheme").

(2) A community safety accreditation scheme is a scheme for the exercise in the chief officer's police area by persons accredited by him under section 41 of the powers conferred by their accreditations under that section.

(3) Those purposes are—
(a) contributing to community safety and security; and
(b) in co-operation with the police force for the area, combatting crime and disorder, public nuisance and other forms of anti-social behaviour.

(4) Before establishing a community safety accreditation scheme for his police area, a chief officer of any police force (other than the Commissioner of Police of the Metropolis) must consult with—
(a) the **[**[F197]local policing body**]** maintaining that force, and
(b) every local authority any part of whose area lies within the police area.

(5) Before establishing a community safety accreditation scheme for the metropolitan police district, the Commissioner of Police of the Metropolis must consult with—
[[F198](a) the Mayor's Office for Policing and Crime;**]**
(b) the Mayor of London; and
(c) every local authority any part of whose area lies within the metropolitan police district.

Status: *Point in time view as at 23/03/2015.*
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(6) In subsections (4)(b) and (5)(c) "local authority" means—

(a) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly; and

(b) in relation to Wales, a county council or a county borough council.

(7) Every **[**[F199]police and crime plan under section 5 or 6 of the Police Reform and Social Responsibility Act 2011**]** which is issued after the commencement of this section, [F200]... must set out—

(a) whether a community safety accreditation scheme is maintained for the police area in question;

(b) if not, whether there is any proposal to establish such a scheme for that area during the period to which the plan relates;

(c) particulars of any such proposal or of any proposal to modify during that period any community safety accreditation scheme that is already maintained for that area;

(d) the extent (if any) of any arrangements for provisions specified in Schedule 4 to be applied to designated persons employed by the **[**[F201]local policing body**]** ; and

(e) the respects in which any community safety accreditation scheme that is maintained or proposed will be supplementing those arrangements during the period to which the plan relates.

(8) A community safety accreditation scheme must contain provision for the making of arrangements with employers who—

(a) are carrying on business in the police area in question, or

(b) are carrying on business in relation to the whole or any part of that area or in relation to places situated within it,

for those employers to supervise the carrying out by their employees of the community safety functions for the purposes of which powers are conferred on those employees by means of accreditations under section 41.

(9) It shall be the duty of a chief officer of police who establishes and maintains a community safety accreditation scheme to ensure that the employers of the persons on whom powers are conferred by the grant of accreditations under section 41 have established and maintain satisfactory arrangements for handling complaints relating to the carrying out by those persons of the functions for the purposes of which the powers are conferred.

Textual Amendments

F197 Words in s. 40(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(2)**; S.I. 2011/3019, art. 3, Sch. 1

F198 S. 40(5)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(3)**; S.I. 2011/3019, art. 3, Sch. 1

F199 Words in s. 40(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(4)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F200 Words in s. 40(7) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F201 Words in s. 40(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(4)(c)**; S.I. 2011/3019, art. 3, Sch. 1

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41 Accreditation under community safety accreditation schemes

(1) This section applies where a chief officer of police has, for the purposes of a community safety accreditation scheme, entered into any arrangements with any employer for or with respect to the carrying out of community safety functions by employees of that employer.

(2) The chief officer of police may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to any employee of the employer.

(3) Schedule 5 (which sets out the powers that may be conferred on accredited persons) shall have effect.

(4) A chief officer of police shall not grant accreditation to a person under this section unless he is satisfied—

(a) that that person's employer is a fit and proper person to supervise the carrying out of the functions for the purposes of which the accreditation is to be granted;

(b) that the person himself is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation;

(c) that that person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on him; and

(d) that that person has received adequate training for the exercise of those powers.

[[F202](4A) A chief officer of police may not grant accreditation under this section to a weights and measures inspector.**]**

(5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—

(a) considering an application for or for the renewal of an accreditation under this section;

(b) granting such an accreditation.

(6) A person authorised or required to do anything by virtue of an accreditation under this section—

(a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his employment by the employer with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); and

(b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.

(7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation; but it may be renewed at any time with effect from the time when it would otherwise expire.

(8) An accreditation under this section shall cease to have effect—

(a) if the accredited person ceases to be an employee of the person with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); or

(b) if those arrangements are terminated or expire.

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Textual Amendments

F202 S. 41(4A) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 42**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

[[F203]41A Accreditation of weights and measures inspectors

(1) The chief officer of police of any police force may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to a weights and measures inspector.

(2) A weights and measures inspector to whom an accreditation under this section is granted by a chief officer of police may exercise the powers conferred by the accreditation in the chief officer's police area.

(3) Schedule 5A (which sets out the powers that may be conferred on inspectors accredited under this section) shall have effect.

(4) A chief officer of police shall not grant accreditation to a weights and measures inspector under this section unless he is satisfied that—
  (a) the inspector is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation; and
  (b) the inspector has received adequate training for the exercise of those powers.

(5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—
  (a) considering an application for or for the renewal of an accreditation under this section;
  (b) granting an accreditation under this section.

(6) A weights and measures inspector authorised or required to do anything by virtue of an accreditation under this section—
  (a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his duties as a weights and measures inspector; and
  (b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.

(7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation, but it may be renewed at any time with effect from the time when it would otherwise expire.

(8) An accreditation under this section shall cease to have effect if the accredited inspector ceases to hold office as a weights and measures inspector.**]**

Textual Amendments

F203 S. 41A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 15(1)**, 53; S.I. 2007/709, **art. 3(k)** (subject to arts. 6, 7)

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[F204 41B Power to apply accreditation provisions

(1) The Secretary of State may by order provide for section 41A and any other provision of this Chapter relating to accredited inspectors to apply (with or without modification) in relation to persons of a description specified in the order.

(2) The provision which may be made by an order under this section includes such modifications of other enactments as appear to the Secretary of State to be necessary or appropriate.

(3) No order shall be made under this section unless a draft of it has been laid before and approved by a resolution of each House of Parliament.]

Textual Amendments

F204 S. 41B inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 16**, 53; S.I. 2007/709, **art. 3(l)**; (subject to arts. 6, 7)

42 Supplementary provisions relating to designations and accreditations

[F205(A1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 as a community support officer, or who purports to do so, shall produce to that person evidence of his designation, if requested to do so.

(B1) A person who exercises or performs any non-standard power or non-standard duty in relation to any person in reliance on his designation under section 38 as a community support officer, or who purports to do so, shall produce to that person evidence that the power or duty has been conferred or imposed on him, if requested to do so.

(C1) For the purposes of subsection (B1), a power or duty is "non-standard" if it is not one of the standard powers and duties of a community support officer.]

(1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 [F206, 38B] or 39 or his accreditation under section 41 [F207or 41A] , or who purports to do so, shall produce that designation or accreditation to that person, if requested to do so.

[F208(1A) Subsection (1) does not apply to a person who exercises or performs any power or duty in reliance on his designation under section 38 as a community support officer, or who purports to do so.]

(2) A power exercisable by any person in reliance on his designation by a chief officer of police under section 38 or 39 or his accreditation under section 41 shall [F209, subject to subsection (2A),] be exercisable only by a person wearing such uniform as may be—

(a) determined or approved for the purposes of this Chapter by the chief officer of police who granted the designation or accreditation; and

(b) identified or described in the designation or accreditation;

and, in the case of an accredited person, such a power shall be exercisable only if he is also wearing such badge as may be specified for the purposes of this subsection by the Secretary of State, and is wearing it in such manner, or in such place, as may be so specified.

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[[F210](2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—

(a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and

(b) identified or described in the designation.

In this subsection, "assisted force" and "assisting force" have the same meanings as in section 38B.**]**

[[F211](2A) A police officer of or above the rank of inspector may direct a particular investigating officer not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) **[**[F212]or (2ZA)**]** shall not apply in relation to that investigating officer for the purposes of that operation.

(2B) In subsection (2A), "investigating officer" means a person designated as an investigating officer under section 38 **[**[F213](in relation to subsection (2)) or section 38B (in relation to subsection (2ZA))**]** by the chief officer of police of the same force as the officer giving the direction.**]**

(3) A chief officer of police who has granted a designation or accreditation to any person under section 38 **[**[F214], 38B**]** , 39 or 41 **[**[F215]or an accreditation to any weights and measures inspector under section 41A**]** may at any time, by notice to the designated or accredited person **[**[F216]or the accredited inspector**]** , modify or withdraw that designation or accreditation.

[F217](4) . . . . . .

(5) Where any person's designation under section 39 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the contractor responsible for supervising that person in the carrying out of the functions for the purposes of which the designation was granted.

(6) Where any person's accreditation under section 41 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the employer responsible for supervising that person in the carrying out of the functions for the purposes of which the accreditation was granted.

[[F218](6A) Where the accreditation of a weights and measures inspector under section 41A is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the local weights and measures authority by which the inspector was appointed.**]**

(7) For the purposes of determining liability for the unlawful conduct of employees of a **[**[F219]chief officer of police or local policing body**]** , conduct by such an employee in reliance or purported reliance on a designation under section 38 shall be taken to be conduct in the course of his employment by the **[**[F219]chief officer of police or local policing body**]**; and, in the case of a tort, **[**[F220]that chief officer or body**]** shall fall to be treated as a joint tortfeasor accordingly.

[[F221](7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee's employment by the employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.**]**

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[F217](8) . . . . . .

(9) For the purposes of determining liability for the unlawful conduct of employees of a contractor (within the meaning of section 39), conduct by such an employee in reliance or purported reliance on a designation under that section shall be taken to be conduct in the course of his employment by that contractor; and, in the case of a tort, that contractor shall fall to be treated as a joint tortfeasor accordingly.

(10) For the purposes of determining liability for the unlawful conduct of employees of a person with whom a chief officer of police has entered into any arrangements for the purposes of a community safety accreditation scheme, conduct by such an employee in reliance or purported reliance on an accreditation under section 41 shall be taken to be conduct in the course of his employment by that employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.

[[F222](11) For the purposes of determining liability for the unlawful conduct of weights and measures inspectors, conduct by such an inspector in reliance or purported reliance on an accreditation under section 41A shall be taken to be conduct in the course of his duties as a weights and measures inspector; and, in the case of a tort, the local weights and measures authority by which he was appointed shall fall to be treated as a joint tortfeasor accordingly.**]**

Textual Amendments

F205 S. 42(A1)-(C1) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 3(2)**; S.I. 2007/3203, **art. 2(c)**

F206 Word in s. 42(1) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(2)**; S.I. 2011/3019, art. 3, Sch. 1

F207 Words in s. 42(1) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(2)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6,7)

F208 S. 42(1A) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 3(3)**; S.I. 2007/3203, **art. 2(c)**

F209 Words in s. 42(2) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(2)(a)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F210 S. 42(2ZA) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(3)**; S.I. 2011/3019, art. 3, Sch. 1

F211 S. 42(2A)(2B) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(2)(b)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F212 Words in s. 42(2A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(4)**; S.I. 2011/3019, art. 3, Sch. 1

F213 Words in s. 42(2B) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(5)**; S.I. 2011/3019, art. 3, Sch. 1

F214 Word in s. 42(3) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(6)**; S.I. 2011/3019, art. 3, Sch. 1

F215 Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(3)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F216 Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(3)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F217 S. 42(4)(8) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 182, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

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F218 S. 42(6A) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(4)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F219 Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(a)**; S.I. 2011/3019, art. 3, Sch. 1

F220 Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(b)**; S.I. 2011/3019, art. 3, Sch. 1

F221 S. 42(7A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(7)**; S.I. 2011/3019, art. 3, Sch. 1

F222 S. 42(11) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(5)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

C57 S. 42 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(c)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

43 Railway safety accreditation scheme

(1) The Secretary of State may make regulations for the purpose of enabling the chief constable of the British Transport Police Force to establish and maintain a scheme ("a railway safety accreditation scheme").

[[F223](2) A railway safety accreditation scheme is a scheme for the exercise, within a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales, by persons accredited by the chief constable of the British Transport Police Force under the scheme, of the powers conferred on those persons by their accreditation under that scheme.**]**

(3) The regulations may make provision—

(a) as to the purposes for which a railway safety accreditation scheme may be established;

(b) as to the procedure to be followed in the establishment of such a scheme; and

(c) as to matters for which such a scheme must contain provision.

(4) The regulations may make provision as to the descriptions of persons who may be accredited under a railway safety accreditation scheme and as to the procedure and criteria to be applied for the grant of any accreditation under such a scheme.

(5) The regulations may make provision as to the powers which may be conferred on a person by an accreditation under such a scheme.

(6) Subject to subsection (7), no regulations made by virtue of subsection (5) shall permit a power to be conferred on a person accredited under a railway safety accreditation scheme which could not be conferred on an accredited person under a community safety accreditation scheme.

(7) The regulations may provide that the powers which may be conferred on a person by an accreditation under a railway safety accreditation scheme include the powers of a constable [F224]... to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices) in respect of the following offences—

(a) an offence under section 55 of the British Transport Commission Act 1949 (c. xxix) (trespassing on a railway);

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(b) an offence under section 56 of that Act (throwing stones etc. at trains or other things on railways).

(8) In relation to a person accredited under a railway safety accreditation scheme, the regulations may apply, with such modifications as may be prescribed by them, any provision of this Chapter which applies in relation to an accredited person.

(9) Before making regulations under this section the Secretary of State shall consult with—

[[F225](a) the Association of Chief Police Officers;**]**

(b) the chief constable of the British Transport Police Force;

[[F226](c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ca) the Mayor's Office for Policing and Crime;

(cb) the Common Council of the City of London; and**]**

(d) the **[**[F227]British Transport Police Authority**]** ;

(e) persons whom he considers to represent the interests of local authorities;

(f) the Mayor of London; and

(g) such other persons as he thinks fit.

(10) In this section—

"local authorities" means district councils, London borough councils, county councils in Wales, county borough councils and the Common Council of the City of London; and

[F228] . . . . . .

Textual Amendments

F223 S. 43(2) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(7)(a)**

F224 Words in s. 43(7) omitted (8.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 23 para. 14(2)**; S.I. 2013/453, art. 4(e)

F225 S. 43(9)(a) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 14(a)**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F226 S. 43(9)(c)-(cd) substituted for s. 43(9)(c) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 297**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 69)

F227 Words in s. 43(9)(d) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(7)(b)**

F228 S. 43(10): definition of "policed premises" repealed (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(7)(c)**

Modifications etc. (not altering text)

C58 S. 43 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

44 Removal of restriction on powers conferred on traffic wardens

(1) Section 96 of the Road Traffic Regulation Act 1984 (c. 27) (additional powers of traffic wardens) shall be amended as follows.

Status: *Point in time view as at 23/03/2015.*
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(2) In subsection (2)(c) (powers under the Road Traffic Act 1988 (c. 52) which may be conferred on traffic wardens), after sub-paragraph (i) there shall be inserted—

"(ia) section 67(3) (which relates to the power of a constable in uniform to stop vehicles for testing);".

(3) In subsection (3)(traffic wardens not to be given the powers of a constable under sections 163, 164(1), (2) and (6) and 165 of the Road Traffic Act 1988 except for the purposes of exercising them in the circumstances specified in that subsection)—

(a) in the words before paragraph (a), the words "163" (which refer to the power to stop a vehicle) shall be omitted; and

(b) paragraph (c) and the word "or" immediately preceding it shall cease to have effect.

45 Code of practice relating to chief officers' powers under Chapter 1

(1) The Secretary of State shall issue a code of practice about the exercise and performance by chief officers of police [F229]. . . of their powers and duties under this Chapter.

(2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.

(3) Before issuing or revising a code of practice under this section, the Secretary of State shall consult with—

(a) [F230]. . . . . .

(b) [F230]. . . . . .

[[F231](c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ca) the Mayor's Office for Policing and Crime;

(cb) the Common Council of the City of London; and]

(d) [F230]. . . . . .

(e) [F230]. . . . . .

[[F232](f) the Association of Chief Police Officers;]

(g) persons whom he considers to represent the interests of local authorities;

(h) the Mayor of London; and

(i) such other persons as he thinks fit.

(4) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.

(5) In discharging any function to which a code of practice under this section relates, a chief officer of police [F233]. . . shall have regard to the code.

(6) For the purposes of subsection (3)(g), "local authorities" means district councils, London borough councils, county councils in Wales, county borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

Textual Amendments

F229 Words in s. 45(1) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Status: *Point in time view as at 23/03/2015.*
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F230 S. 45(3)(a)(b)(d)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F231 S. 45(3)(c)-(cb) substituted for s. 45(3)(c) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 298**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 70)

F232 S. 45(3)(f) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 15(b)**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F233 Words in s. 45(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Modifications etc. (not altering text)

C59 S. 45 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(d)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

46 Offences against designated and accredited persons etc.

(1) Any person who assaults—

(a) a designated person in the execution of his duty,

(b) an accredited person in the execution of his duty,

[[F234](ba) an accredited inspector in the execution of his duty,**]** or

(c) a person assisting a designated or accredited person **[**[F235]or an accredited inspector**]** in the execution of his duty,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(2) Any person who resists or wilfully obstructs—

(a) a designated person in the execution of his duty,

(b) an accredited person in the execution of his duty,

[[F236](ba) an accredited inspector in the execution of his duty,**]** or

(c) a person assisting a designated or accredited person **[**[F235]or an accredited inspector**]** in the execution of his duty,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.

(3) Any person who, with intent to deceive—

(a) impersonates a designated person **[**[F237], an accredited person or an accredited inspector**]** ,

(b) makes any statement or does any act calculated falsely to suggest that he is a designated person **[**[F238], that he is an accredited person or that he is an accredited inspector**]** , or

(c) makes any statement or does any act calculated falsely to suggest that he has powers as a designated or accredited person **[**[F239]or as an accredited inspector**]** that exceed the powers he actually has,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

Status: *Point in time view as at 23/03/2015.*
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(4) In this section references to the execution by a designated person **[**[F240], accredited person or accredited inspector**]** of his duty are references to his exercising any power or performing any duty which is his by virtue of his designation or accreditation.

[[F241](5) References in this section to a designated person are to—

(a) a designated person within the meaning given by section 47(1), and

(b) a person in relation to whom a designation under section 38B is for the time being in force.**]**

Textual Amendments

F234 S. 46(1)(ba) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(2)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F235 Words in s. 46(1)(c)(2)(c) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(2)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F236 S. 46(2)(ba) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(2)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F237 Words in s. 46(3)(a) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(3)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F238 Words in s. 46(3)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(3)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F239 Words in s. 46(3)(c) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(3)(c)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F240 Words in s. 46(4) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(4)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F241 S. 46(5) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 5**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C60 S. 46 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(e)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

47 Interpretation of Chapter 1

(1) In this Chapter—

[[F242]"accredited inspector" means a weights and measures inspector in relation to whom an accreditation under section 41A is for the time being in force;**]**

"accredited person" means a person in relation to whom an accreditation under section 41 is for the time being in force;

"community safety functions" means any functions the carrying out of which would be facilitated by the ability to exercise one or more of the powers mentioned in Schedule 5;

"conduct" includes omissions and statements;

"designated person" means a person in relation to whom a designation under section 38 or 39 is for the time being in force;

F243 . . . . . .

F244 . . . . . .

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F245]"weights and measures inspector" means an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.**]**

(2) In this Chapter—

(a) references to carrying on business include references to carrying out functions under any enactment; and

(b) references to the employees of a person carrying on business include references to persons holding office under a person, and references to employers shall be construed accordingly.

Textual Amendments

F242 S. 47(1): definition of "accredited inspector" inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 45**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F243 S. 47(1): definition of "Director General" repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 184, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F244 S. 47(1): definition of "Service Authority" repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 184, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F245 S. 47(1): definition of "weights and measures inspector" inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 45**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

C61 S. 47 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(f)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

CHAPTER 2

PROVISIONS MODIFYING AND SUPPLEMENTING POLICE POWERS

Powers of arrest

48 Offences for which a person may be arrested without a warrant

[F246] . . . . . .

Textual Amendments

F246 S. 48 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(t)(u)(xlix)**

49 Power of arrest in relation to failure to stop a vehicle

(1) [F247] . . . . . .

(2) In section 17(1)(c) of the 1984 Act (power of entry to effect arrest for certain offences), after sub-paragraph (iii) there shall be inserted—

Status: *Point in time view as at 23/03/2015.*
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"(iiia) section 163 of the Road Traffic Act 1988 (c. 52) (failure to stop when required to do so by a constable in uniform);".

(3) This section has no effect in relation to offences committed before its commencement.

Textual Amendments

F247 S. 49(1) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(t)(u)(xlix)**

Power to require name and address

50 Persons acting in an anti-social manner

(1) If a constable in uniform has reason to believe that a person has been acting, or is acting, in an anti-social manner [F248]..., he may require that person to give his name and address to the constable.

[[F249](1A) In subsection (1) "anti-social behaviour" has the meaning given by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section).**]**

(2) Any person who—

(a) fails to give his name and address when required to do so under subsection (1), or

(b) gives a false or inaccurate name or address in response to a requirement under that subsection,

is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F248 Words in s. 50(1) omitted (23.3.2015) by virtue of Anti Social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 31(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, **art. 4(f)(viii)**

F249 S. 50(1A) inserted (23.3.2015) by Anti Social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 31(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, **art. 4(f)(viii)**

Persons in police detention

51 Independent custody visitors for places of detention

(1) Every **[**[F250]local policing body**]** shall—

(a) make arrangements for detainees to be visited by persons appointed under the arrangements ("independent custody visitors"); and

(b) keep those arrangements under review and from time to time revise them as they think fit.

[[F251](1A) Every **[**[F252]local policing body**]** must ensure—

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(a) that the arrangements made by it require independent custody visitors to prepare and submit to it a report of any visit made under the arrangements to a suspected terrorist detainee, and

(b) that a copy of any report submitted under paragraph (a) is given to the person appointed under section 36(1) of the Terrorism Act 2006 (independent reviewer of terrorism legislation).**]**

(2) The arrangements must secure that the persons appointed under the arrangements are independent of both—

(a) the **[**[F253]local policing body**]**; and

(b) the chief officer of police of the police force maintained by **[**[F254]that body**]**.

(3) The arrangements may confer on independent custody visitors such powers as the **[**[F255]local policing body**]** considers necessary to enable them to carry out their functions under the arrangements and may, in particular, confer on them powers—

(a) to require access to be given to each police station;

(b) to examine records relating to the detention of persons there;

[[F256](ba) in relation to suspected terrorist detainees, to listen to the audio recordings and view the video recordings (with or without sound) of interviews with those detainees which have taken place during their detention there and which were conducted by a constable;**]**

(c) to meet detainees there for the purposes of a discussion about their treatment and conditions while detained; and

(d) to inspect the facilities there including in particular, cell accommodation, washing and toilet facilities and the facilities for the provision of food.

[[F257](3A) The arrangements may include provision for access to the whole or part of an audio or video recording of an interview of the kind mentioned in subsection (3)(ba) to be denied to independent custody visitors if—

(a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;

(b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and

(c) the procedural requirements imposed by the arrangements in relation to a denial of access to such recordings are complied with.

(3B) Grounds are not to be specified in any arrangements for the purposes of subsection (3A)(a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).**]**

(4) The arrangements may include provision for access to a detainee to be denied to independent custody visitors if—

(a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;

(b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and

(c) the procedural requirements imposed by the arrangements in relation to a denial of access are complied with.

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(5) Grounds shall not be specified in any arrangements for the purposes of subsection (4)(a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).

(6) The Secretary of State shall issue, and may from time to time revise, a code of practice as to the carrying out by **[**[F258]local policing bodies**]** and independent custody visitors of their functions under the arrangements.

(7) Before issuing or revising a code of practice under this section, the Secretary of State shall consult with—

[[F259]**[**[F260](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 of the City of London;**]**

(b) the Association of Chief Police Officers; and**]**

(c) such other persons as he thinks fit.

(8) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.

(9) **[**[F261]Local policing bodies**]** and independent custody visitors shall have regard to the code of practice for the time being in force under subsection (6) in the carrying out of their functions under the preceding provisions of this section.

[[F262](10) In this section—

"detainee", in relation to arrangements made under this section, means a person detained in a police station in the police area of the **[**[F263]local policing body**]**;

"suspected terrorist detainee" means a detainee detained under section 41 of the Terrorism Act 2000.**]**

Textual Amendments

F250 Words in s. 51(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(2)**; S.I. 2011/3019, art. 3, Sch. 1

F251 S. 51(1A) inserted (22.4.2013) by Coroners and Justice Act 2009 (c. 25), **ss. 117(5)**, 182(5) (with s. 180); S.I. 2013/705, art. 2

F252 Words in s. 51(1A) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(3)**; S.I. 2011/3019, art. 3, **Sch. 1**

F253 Words in s. 51(2)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(4)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F254 Words in s. 51(2)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F255 Words in s. 51(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(5)**; S.I. 2011/3019, art. 3, Sch. 1

F256 S. 51(3)(ba) inserted (22.4.2013) by Coroners and Justice Act 2009 (c. 25), **ss. 117(6)**, 182(5) (with s. 180); S.I. 2013/705, art. 2

F257 S. 51(3A)(3B) inserted (22.4.2013) by Coroners and Justice Act 2009 (c. 25), **ss. 117(7)**, 182(5) (with s. 180); S.I. 2013/705, art. 2

F258 Words in s. 51(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(6)**; S.I. 2011/3019, art. 3, Sch. 1

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F259 S. 51(7)(a)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 16**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F260 S. 51(7)(a)-(ab) substituted for s. 51(7)(a) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(7)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 71)

F261 Words in s. 51(9) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(8)**; S.I. 2011/3019, art. 3, Sch. 1

F262 S. 51(10) substituted (22.4.2013) by Coroners and Justice Act 2009 (c. 25), **ss. 117(8)**, 182(5) (with s. 180); S.I. 2013/705, art. 2

F263 Words in s. 51(10) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(9)(b)**; S.I. 2011/3019, art. 3, **Sch. 1**

52 Detention reviews for detained persons who are asleep

(1) In section 40 of the 1984 Act (review of police detention), in subsection (8) for the words from "the substitution" to the end there shall be substituted " the modifications specified in subsection (8A) ".

(2) After that subsection there shall be inserted—

"(8A) The modifications are—

(a) the substitution of references to the person whose detention is under review for references to the person arrested;

(b) the substitution of references to the review officer for references to the custody officer; and

(c) in subsection (6), the insertion of the following paragraph after paragraph (a)—

("') asleep;""

(3) In subsection (10) of that section—

(a) for "(6)" there shall be substituted " (6B) "; and

(b) for the words from "the substitution" to the end there shall be substituted " the modifications specified in subsection (10A) ".

(4) After that subsection there shall be inserted—

"(10A) The modifications are—

(a) the substitution of a reference to the person whose detention is under review for any reference to the person arrested or to the person charged; and

(b) in subsection (5), the insertion of the following paragraph after paragraph (a)—

("') asleep;""

53 Persons suspected of offences connected with transport systems

(1) In section 34(6) of the 1984 Act (persons treated as arrested for an offence), after "1988" there shall be inserted " or section 30(2) of the Transport and Works Act 1992 (c. 42) ".

(2) In section 62(11) of that Act (provisions of the Road Traffic Act 1988 (c. 52) relating to the taking of specimens not to be affected by provisions of that section)—

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) for "affects" there shall be substituted " applies to the taking of a specimen for the purposes of any of the provisions of "; and

(b) after "Road Traffic Act 1988" there shall be inserted " or of sections 26 to 38 of the Transport and Works Act 1992 ".

Blood specimens

54 Persons authorised to take intimate samples from persons in police detention

(1) For subsection (9) of section 62 of the 1984 Act (persons who may take intimate samples) there shall be substituted—

"(9) In the case of an intimate sample which is a dental impression, the sample may be taken from a person only by a registered dentist.

(9A) In the case of any other form of intimate sample, except in the case of a sample of urine, the sample may be taken from a person only by—

(a) a registered medical practitioner; or

(b) a registered health care professional."

(2) In section 65 of the 1984 Act (interpretation of Part 5 of that Act), in subsection (1) after the definition of "registered dentist" there shall be inserted—

""registered health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State;".

(3) After that subsection, there shall be inserted—

"(1A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(1B) An order under subsection (1) shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Commencement Information

I8 S. 54 wholly in force at 1.4.2003; s. 54 not in force at Royal Assent, see s. 108(2); s. 54(2)(3) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(d)**; s. 54 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(e)**

55 Extension of role of health care professionals

(1) In subsection (4) of section 7 of the Road Traffic Act 1988 (constable to decide if specimen is of blood or urine) for the words from "shall be decided" onwards there shall be substituted " and, in the case of a specimen of blood, the question who is to be

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asked to take it shall be decided (subject to subsection (4A)) by the constable making the requirement ".

(2) After that subsection there shall be inserted—

"(4A) Where a constable decides for the purposes of subsection (4) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

(a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or

(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner;

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead."

(3) In subsection (2) of section 11 of that Act (interpretation of sections 3A to 10 of that Act), after the definition of "prescribed limit" there shall be inserted—

""registered health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State."

(4) After that subsection there shall be inserted—

"(2A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(2B) An order under subsection (2) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(5) For subsection (4) of that section there shall be substituted—

"(4) A person provides a specimen of blood if and only if—

(a) he consents to the taking of such a specimen from him; and

(b) the specimen is taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional."

Commencement Information

I9 S. 55 wholly in force at 1.4.2003; s. 55 not in force at Royal Assent, see s. 108(2); s. 55(2)(3) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(d)**; s. 55 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(e)**

56 Specimens taken from persons incapable of consenting

(1) After section 7 of the Road Traffic Act 1988 (c. 52) there shall be inserted—

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"7A Specimens of blood taken from persons incapable of consenting

(1) A constable may make a request to a medical practitioner for him to take a specimen of blood from a person ("the person concerned") irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 9) be entitled under section 7 to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;

(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this section—

(a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to a medical practitioner other than a police medical practitioner unless—

(i) it is not reasonably practicable for the request to made to a police medical practitioner; or

(ii) it is not reasonably practicable for such a medical practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for a medical practitioner to whom a request is made under this section, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

(a) has been informed that it was taken; and

(b) has been required by a constable to give his permission for a laboratory test of the specimen; and

(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) In this section "police medical practitioner" means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of a police force."

(2) In section 9 of that Act (protection of hospital patients), for subsection (2) there shall be substituted—

"(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 7A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—

(a) has been notified of the proposal to take the specimen or to make the requirement; and

(b) has not objected on the ground specified in subsection (2).

(2) The ground on which the medical practitioner may object is—

(a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 7(7) of this Act would be prejudicial to the proper care and treatment of the patient; and

(b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 7A(5) of this Act would be so prejudicial."

(3) In section 34(3) of the Road Traffic Offenders Act 1988 (c. 53) (disqualification for certain offences where offender has previous conviction)—

(a) the word "and" at the end of paragraph (b) shall be omitted; and

(b) after paragraph (c) there shall be inserted—

"(d) section 7A(6) (failing to allow a specimen to be subjected to laboratory test) where that is an offence involving obligatory disqualification;".

(4) In Schedule 1 to the Road Traffic Offenders Act 1988 (offences to which sections 1, 11 and 12(1) of that Act apply), in the Table, after the entry beginning "RTA section 7" there shall be inserted—

"RTA section 7A	Failing to allow specimen of blood to be subjected to laboratory test	Sections 11 and 12(1)."

(5) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), after the entry beginning "RTA section 7" there shall be inserted—

"RTA section 7A	Failing to allow specimen to be subjected to laboratory test	Summarily	(a) Where the test would be for ascertaining ability to drive or proportion	(a) Obligatory in the case mentioned in column 4(a) (b) Discretionary	Obligatory	3-11, in case mentioned in column 4(a) 10, in any other case."

Status: *Point in time view as at 23/03/2015.*
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	of alcohol at the time offender was driving or attempting to drive, 6 months or level 5 on the standard scale or both. (b) In any other case, 3 months or level 4 on the standard scale or both	in any other case

(6) In section 143(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (power to forfeit property used for the purposes of an offence under section 7 of the Road Traffic Act 1988 (c. 52))—

(a) after "7" there shall be inserted " or 7A "; and

(b) after "test" there shall be inserted " or to give permission for such a test ".

57 Use of specimens taken from persons incapable of consenting

(1) In subsection (2) of section 15 of the Road Traffic Offenders Act 1988 (c. 53) (evidence of blood alcohol level)—

(a) after "provided by" there shall be inserted " or taken from "; and

(b) after the word "provided", in the second place where it occurs, there shall be inserted " or taken ".

(2) In subsection (3)(a) of that section (rebutting the assumption in subsection (2)), after "provided the specimen" there shall be inserted " or had it taken from him ".

(3) In subsection (4) of that section (circumstances in which a specimen of blood is to be disregarded), for the words from "unless" to the end there shall be substituted "unless —

(a) it was taken from the accused with his consent and either—

(i) in a police station by a medical practitioner or a registered health care professional; or

(ii) elsewhere by a medical practitioner;

or

(b) it was taken from the accused by a medical practitioner under section 7A of the Road Traffic Act 1988 and the accused subsequently gave his permission for a laboratory test of the specimen."

(4) After subsection (5) of that section, there shall be inserted—

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(5A) Where a specimen of blood was taken from the accused under section 7A of the Road Traffic Act 1988, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and

(b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with."

(5) In subsection (1) of section 16 of that Act (documentary evidence as to specimens), after "15(5)" there shall be inserted " and (5A) ".

(6) In subsection (2) of that section (documentary evidence as to consent), after the words "medical practitioner", in both places where they occur, there shall be inserted " or a registered health care professional ".

Commencement Information

I10 S. 57 wholly in force at 1.4.2003; s. 57 not in force at Royal Assent, see s. 108(2); s. 57(1)-(5) (except for certain words in subsection (3)) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(d)(v)**; s. 57 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(e)**

58 Equivalent provision for offences connected with transport systems

(1) In subsection (6) of section 31 of the Transport and Works Act 1992 (c. 42) (constable to decide if specimen is of blood or urine), for the words from "shall be decided" onwards there shall be substituted " and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (6A)) by the constable making the requirement ".

(2) After that subsection there shall be inserted—

"(6A) Where a constable decides for the purposes of subsection (6) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

(a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or

(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner,

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead."

(3) After subsection (9) of that section there shall be inserted—

"(9A) In this section "health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9B) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(9C) An order under subsection (9A)(b) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(4) After section 31 of that Act there shall be inserted—

"**31A Specimens of blood taken from persons incapable of consenting**

(1) A constable may make a request to a medical practitioner for him to take a specimen of blood from a person ("the person concerned") irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 33) be entitled under section 31 to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in—

(i) an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter; or

(ii) a dangerous incident (within the meaning given by section 29(3)) that constitutes or is comprised in that matter or those circumstances;

(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this section—

(a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to a medical practitioner other than a police medical practitioner unless—

(i) it is not reasonably practicable for the request to made to a police medical practitioner; or

(ii) it is not reasonably practicable for such a medical practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for a medical practitioner to whom a request is made under this section, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) has been informed that it was taken; and
(b) has been required by a constable to give his permission for a laboratory test of the specimen; and
(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission, may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.

(7) In this section "police medical practitioner" means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of a police force."

(5) In section 33 of that Act (protection of hospital patients), for subsection (2) there shall be substituted—

"(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 31A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—
(a) has been notified of the proposal to take the specimen or to make the requirement; and
(b) has not objected on the ground specified in subsection (2).

(2) The ground on which the medical practitioner may object is—
(a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 31(9) of this Act would be prejudicial to the proper care and treatment of the patient; and
(b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 31A(5) of this Act would be so prejudicial."

(6) In subsection (1)(a) of section 34 of that Act (evidence of blood alcohol level) after "provided by" there shall be inserted " or taken from ".

(7) In subsection (2)(a) of that section (rebutting the assumption in subsection (1)(b)), after "provided the specimen" there shall be inserted " or had it taken from him ".

(8) After subsection (3) of that section there shall be substituted—

"(3A) Where a specimen of blood was taken from the accused under section 31A, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution in the proceedings unless—
(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and
(b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with."

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) In section 35(3) of that Act (documentary evidence as to consent) after the words "practitioner", in both places where it occurs, there shall be inserted " or a registered health care professional ".

(10) After subsection (2) of section 38 of that Act (interpretation of Chapter 1 of Part 2 of that Act) there shall be inserted—

"(2A) In this Chapter "registered health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.

(2B) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(2C) An order under subsection (2A)(b) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(11) For subsection (5) of that section there shall be substituted—

"(5) For the purposes of this Chapter, a person provides a specimen of blood if and only if—

(a) he consents to the taking of such a specimen from him; and

(b) the specimen is taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional."

Commencement Information

I11 S. 58 wholly in force at 1.4.2003; s. 58 not in force at Royal Assent, see s. 108(2); s. 58(3)(4)-(8)(10) in force at 1.10.2002 by S.I. 2002/2306, arts. {2(d)(v)},{4(d)}; s. 58 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(e)**

Seizure of motor vehicles

59 Vehicles used in manner causing alarm, distress or annoyance

(1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—

(a) contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and

(b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public,

he shall have the powers set out in subsection (3).

(2) A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Those powers are—

(a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;

(b) power to seize and remove the motor vehicle;

(c) power, for the purposes of exercising a power falling within paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;

(d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of paragraphs to (a) to (c).

(4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this section unless—

(a) he has warned the person appearing to him to be the person whose use falls within subsection (1) that he will seize it, if that use continues or is repeated; and

(b) it appears to him that the use has continued or been repeated after the warning.

(5) Subsection (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this section if—

(a) the circumstances make it impracticable for him to give the warning;

(b) the constable has already on that occasion given a warning under that subsection in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;

(c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or

(d) the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person to whom a warning under that subsection has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous twelve months.

(6) A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(7) Subsection (3)(c) does not authorise entry into a private dwelling house.

(8) The powers conferred on a constable by this section shall be exercisable only at a time when regulations under section 60 are in force.

(9) In this section—

"driving" has the same meaning as in the Road Traffic Act 1988 (c. 52);

"motor vehicle" means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads; and

"private dwelling house" does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

60 Retention etc. of vehicles seized under section 59

(1) The Secretary of State may by regulations make provision as to—

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the removal and retention of motor vehicles seized under section 59; and
(b) the release or disposal of such motor vehicles.

(2) Regulations under subsection (1) may, in particular, make provision—
(a) for the giving of notice of the seizure of a motor vehicle under section 59 to a person who is the owner of that vehicle or who, in accordance with the regulations, appears to be its owner;
(b) for the procedure by which a person who claims to be the owner of a motor vehicle seized under section 59 may seek to have it released;
(c) for requiring the payment of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
(d) as to the circumstances in which a motor vehicle seized under section 59 may be disposed of;
(e) as to the destination—
(i) of any fees or charges payable in accordance with the regulations; and
(ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under section 59;
(f) for the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 59.

(3) Regulations under subsection (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations shall not be liable to pay it if—
(a) the use by reference to which the motor vehicle in question was seized was not a use by him; and
(b) he did not know of the use of the vehicle in the manner which led to its seizure, had not consented to its use in that manner and could not, by the taking of reasonable steps, have prevented its use in that manner.

(4) In this section—
"local authority"—
(a) in relation to England, means the council of a county, metropolitan district or London borough, the Common Council of the City of London or Transport for London; and
(b) in relation to Wales, means the council of a county or county borough;
"motor vehicle" has the same meaning as in section 59.

Anti-social behaviour

[F264]61 Anti-social behaviour orders

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Textual Amendments

F264 Ss. 61-66 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F264 62 Power of Secretary of State to add to relevant authorities

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Textual Amendments

F264 Ss. 61-66 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

F264 63 Orders in county court proceedings

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Textual Amendments

F264 Ss. 61-66 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

F264 64 Orders on conviction in criminal proceedings

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Textual Amendments

F264 Ss. 61-66 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

F264 65 Interim orders

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Textual Amendments

F264 Ss. 61-66 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

Commencement Information

I12 S. 65 wholly in force at 1.4.2003; s. 65 not in force at Royal Assent, see s. 108(2); s. 65 in force for certain purposes at 2.12.2002 by S.I. 2002/2750, **art. 2(a)(vii)**; s. 65 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(f)**

F264 66 Consultation requirements

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Textual Amendments

F264 Ss. 61-66 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I13 S. 66 wholly in force at 1.4.2003; s. 66 not in force at Royal Assent, see s. 108(2); s. 66 in force for certain purposes at 2.12.2002 by S.I. 2002/2750, **art. 2(a)(vii)**; s. 66 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(f)**

Sex offenders

67 Sex offenders: England and Wales

F265 . . . . . .

Textual Amendments

F265 S. 67 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**

68 Interim orders for sex offenders: England and Wales

F266 . . . . . .

Textual Amendments

F266 S. 68 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**

69 Sex offender orders made in Scotland or Northern Ireland

F267 . . . . . .

Textual Amendments

F267 S. 69 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

70 Sex offenders: Scotland

F268 . . . . . .

Textual Amendments

F268 S. 70 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

71 Sex offender orders made in England and Wales or Northern Ireland

F269 . . . . . .

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F269 S. 71 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

72 Sex offenders: Northern Ireland

F270 . . . . . .

Textual Amendments

F270 S. 72 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

73 Interim orders for sex offenders: Northern Ireland

F271 . . . . . .

Textual Amendments

F271 S. 73 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

74 Sex offender orders made in England and Wales or Scotland

F272 . . . . . .

Textual Amendments

F272 S. 74 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

The British Transport Police

75 Removal of truants to designated places

(1) In section 16 of the Crime and Disorder Act 1998 (c. 37) (removal of truants to designated place), after subsection (3) there shall be inserted—

"(3A) The power of a police officer of or above the rank of superintendent under subsection (2) to specify any area falling within a police area shall be exercisable by such an officer who is a member of the British Transport Police as if the reference in that subsection to an area in the police area were a reference to—

(a) any area in or in the vicinity of any policed premises; or

(b) the whole or any part of any such premises;

and references in subsection (3) to the specified area shall have effect accordingly."

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In subsection (5) of that section (interpretation)—

(a) before the definition of "local authority" there shall be inserted—

> ""British Transport Police" means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);"

and

(b) after the definition of "local authority" there shall be inserted—

> ""policed premises" has the meaning given by section 53(3) of the British Transport Commission Act 1949;".

76 Amendments to Part 3 of the Road Traffic Offenders Act 1988

(1) Part 3 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalties) shall be amended as follows.

(2) In section 54(9) (meaning of authorised person for the purposes of fixed penalty provisions), at the end there shall be inserted "or a person authorised for those purposes by or on behalf of the chief constable of the British Transport Police."

(3) In section 75(1) (conditional offers in England and Wales), at the end there shall be inserted "or, if the constable is a member of the British Transport Police, by or on behalf of the chief constable of the British Transport Police."

(4) [F273] . . . . . .

(5) In section 87 (guidance from the Secretary of State), after "areas" there shall be inserted " and to the chief constable of the British Transport Police ".

(6) In section 89 (interpretation of Part 3), after the definition of "authorised person" there shall be inserted—

> ""British Transport Police" means the force of constables appointed under the British Transport Commission Act 1949 (c. xxix);".

Textual Amendments

F273 S. 76(4) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), ss. 59, 61, **Sch. 7(2)**; S.I. 2008/3164, **art. 3(d)**

Property in possession of NCS

77 Application of the Police (Property) Act 1897 to NCS

(1) After section 2 of the Police (Property) Act 1897 (c. 30) there shall be inserted—

"2A Application to NCS

(1) This Act applies to property which has come into the possession of the National Crime Squad as it applies to property that has come into the possession of the police.

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In relation to property that has come into the possession of the National Crime Squad—
  (a) the reference in section 1(1) to an officer of police is a reference to a member of that Squad; and
  (b) references in section 2 to the property remaining in the possession of the police are references to its remaining in the possession of that Squad.

(3) The power to make regulations under section 2 has effect in relation to property that has come into the possession of the National Crime Squad as if—
  (a) the relevant authority for the purposes of subsection (2A) of that section were the Service Authority for that Squad; and
  (b) the reference in subsection (2A)(c) of that section to police purposes were a reference to the purposes of that Squad."

(2) In section (2) of that Act (regulations), for subsection (2B) there shall be substituted—

"(2B) The relevant authority for the purposes of subsection (2A) is the police authority."

PART 5

THE MINISTRY OF DEFENCE POLICE

78 Ministry of Defence police serving with other forces

After section 2A of the Ministry of Defence Police Act 1987 (c. 4) (provision of assistance to other forces) there shall be inserted—

"**2B Constables serving with other forces**

(1) This section applies where a member of the Ministry of Defence Police serves with a relevant force under arrangements made between the chief officer of that force and the chief constable of the Ministry of Defence Police.

(2) The member of the Ministry of Defence Police—
  (a) shall be under the direction and control of the chief officer of the relevant force; and
  (b) shall have the same powers and privileges as a member of that force.

(3) In this section—

"British Transport Police Force" has the same meaning as in section 2 above;

"chief officer" means—
  (a) any chief officer of police of a police force for a police area in Great Britain;
  (b) the chief constable of the Police Service of Northern Ireland;
  (c) the Director General of the National Criminal Intelligence Service;
  (d) the Director General of the National Crime Squad;

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(e) the chief constable of the British Transport Police Force; or

(f) the chief constable of the United Kingdom Atomic Energy Authority Constabulary;

"relevant force" means—

(a) any police force for a police area in Great Britain;

(b) the Police Service of Northern Ireland;

(c) the National Criminal Intelligence Service;

(d) the National Crime Squad;

(e) the British Transport Police Force; or

(f) the United Kingdom Atomic Energy Authority Constabulary;

"United Kingdom Atomic Energy Authority Constabulary" has the same meaning as in section 2 above."

79 Disciplinary matters

(1) After section 3 of the Ministry of Defence Police Act 1987 (c. 4) there shall be inserted—

"**3A Regulations relating to disciplinary matters**

(1) The Secretary of State shall by regulations made by statutory instrument establish, or make provision for the establishment of, procedures for cases in which a member of the Ministry of Defence Police may be dealt with by suspension, dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution.

(2) The regulations may provide—

(a) for decisions which would otherwise fall to be taken by the Secretary of State or the chief constable of the Ministry of Defence Police to be taken instead—

(i) by a person or persons appointed in accordance with the regulations; or

(ii) by the Ministry of Defence Police Committee;

and

(b) for decisions taken by or on behalf of the Secretary of State or the chief constable of the Ministry of Defence Police to be reviewed by a person or persons appointed by or in accordance with the regulations.

(3) 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, the Ministry of Defence Police Committee, the chief constable of the Ministry of Defence 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.

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

Status: *Point in time view as at 23/03/2015.*
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(2) After section 4 of that Act there shall be inserted—

"**4A Appeals against dismissal etc.**

(1) Subject to subsection (2) below, a member of the Ministry of Defence Police who is dismissed, required to resign or reduced in rank by a decision taken—
   (a) in proceedings under regulations made in accordance with section 3A above, or
   (b) in proceedings for the purposes of any procedures established in accordance with an agreement or order under section 60 of the Police (Northern Ireland) Act 1998 (c. 32),

   may appeal to an appeals tribunal.

(2) Subsection (1) above does not apply in the case of a person who has a right to apply to some other person for a review of the decision; and in that case that person may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.

(3) The Secretary of State may by regulations made by statutory instrument—
   (a) make provision equivalent, subject to such modifications as the Secretary of State thinks fit, to that made in relation to police appeals tribunals by any provision of Schedule 6 to the Police Act 1996 (c. 16) or Schedule 3 to the Police (Scotland) Act 1967 (c. 77);
   (b) make provision as to procedure on appeals to appeals tribunals under this section; and
   (c) make provision enabling an appeals tribunal to require any person to attend a hearing and to give evidence or produce documents.

(4) Regulations made by virtue of subsection (3)(c) above may, in particular, apply subsections (2) and (3) of section 250 of the Local Government Act 1972 (c. 70) or subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) with such modifications as may be set out in the regulations.

(5) Where an appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way which—
   (a) appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
   (b) is a way in which he could have been dealt with by the person who made the decision.

(6) Any statutory instrument containing regulations under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section "an appeals tribunal" means a tribunal constituted in accordance with regulations under subsection (3) above."

(3) In section 1 of that Act (establishment of Ministry of Defence Police), for subsection (5) there shall be substituted—

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"(5) The Secretary of State shall appoint a committee, to be known as the Ministry of Defence Police Committee—

(a) to advise him with respect to such matters concerning the Ministry of Defence Police as he may from time to time require; and

(b) to exercise such other functions as may be conferred on it by or under this Act;

and the Secretary of State may make regulations concerning the membership and the procedure of the Committee."

(4) After section 6 of that Act there shall be inserted—

"**6A Powers to make regulations**

Any power of the Secretary of State under this Act to make regulations shall include power to make different provision for different purposes."

80 Functions of inspectors of constabulary

Before section 5 of the Ministry of Defence Police Act 1987 (c. 4) there shall be inserted—

"4B **Functions of inspectors of constabulary**

(1) The inspectors of constabulary shall inspect, and report to the Secretary of State on, the efficiency and effectiveness of the Ministry of Defence Police.

(2) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of the Ministry of Defence Police and to report to him on that inspection.

(3) A requirement under subsection (2) may include a requirement for the inspection to be confined to a particular part of the Ministry of Defence Police, to particular matters or to particular activities of the Ministry of Defence Police.

(4) The inspectors of constabulary shall carry out such other duties for the purposes of furthering the efficiency and effectiveness of the Ministry of Defence Police as the Secretary of State may from time to time direct.

(5) Before carrying out any inspection by virtue of subsection (1) in Scotland, the inspectors of constabulary shall consult the Scottish inspectors with respect to the scope and conduct of the proposed inspection.

(6) In this section—

"the inspectors of constabulary" means Her Majesty's Inspectors of Constabulary appointed under section 54 of the Police Act 1996 (c. 16);

"the Scottish inspectors" means the inspectors of constabulary appointed under section 33 of the Police (Scotland) Act 1967 (c. 77).

4C **Publication of reports**

(1) Subject to subsection (2) below, the Secretary of State shall arrange for any report received by him under section 4B above to be published in such manner as appears to him to be appropriate.

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(2) The Secretary of State may exclude from publication under subsection (1) above any part of a report if, in his opinion, the publication of that part—
  (a) would be against the interests of national security; or
  (b) might jeopardise the safety of any person.

(3) The Secretary of State shall—
  (a) send a copy of the published report to the chief constable of the Ministry of Defence Police; and
  (b) invite the chief constable to submit comments on the published report to the Secretary of State before such date as the Secretary of State may specify.

(4) The Secretary of State shall arrange for—
  (a) any comments submitted by the chief constable in accordance with subsection (3) above, and
  (b) any response that the Secretary of State may prepare to the published report or to any comments submitted by the chief constable,

to be published in such manner as he considers appropriate."

81 Exemptions from firearms legislation

(1) After section 16A of the Firearms (Amendment) Act 1988 (c. 45) there shall be inserted—

"**16B Possession of firearms on Ministry of Defence Police premises**

(1) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.

(2) In this section "relevant premises" means premises used for any purpose of the Ministry of Defence Police."

(2) **[**[F274]After Article 12A of the Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2)) there is inserted—

12B " **Possession of firearms on Ministry of Defence Police premises**

(1) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a firearm certificate or obtaining the authority of the Secretary of State under Article 6, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.

(2) In this Article "relevant premises" means premises used for any purpose of the Ministry of Defence Police."**]**

Status: *Point in time view as at 23/03/2015.*
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Textual Amendments

F274 S. 81(2) repealed (N.I.) (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), arts. 1(3), 82, **Sch. 8** (with art. 81); S.R. 2005/4, **art. 3** (with arts. 4-7)

PART 6

MISCELLANEOUS

Appointment and attestation of police officers etc.

82 Nationality requirements applicable to police officers etc.

(1) Irrespective of his place of birth, a person of any nationality may be—

(a) a member of a police force maintained for any police area in England and Wales [F275]...;

[[F276](aa) a constable of the Police Service of Scotland;]

(b) a member of the Police Service of Northern Ireland or of the Police Service of Northern Ireland Reserve;

(c) [F277]. . . . . .

(d) a member of the British Transport Police Force;

[[F278](e) a member of the Civil Nuclear Constabulary; [[F279]or]]

(f) [F280]. . . . . .

(g) a special constable;

and, accordingly, irrespective of his place of birth such a person may be attested or appointed, and hold office, as a constable.

(2) Subsection (1) is subject to any provision falling within subsection which relates to qualification for appointment as a constable or as a special constable or for membership of, or for particular ranks, offices or positions with—

(a) any force or constabulary; [F281]...

[[F282](aa) the Police Service of Scotland; or]

(b) the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve; [F283]. . .

(c) [F283]. . . . . .

(3) Provision falls within this subsection if it is—

(a) provision made by regulations made under section 50 or 51 of the 1996 Act (regulations for police constables and for special constables);

(b) provision made by regulations made under [[F284]section 48 of the Police and Fire Reform (Scotland) Act 2012 (governance and administration of police)];

(c) provision made under section 25 or 26 of the Police (Northern Ireland) Act 1998 (c. 32) (regulations for police constables and for the constables in the Police Service of Northern Ireland Reserve); [[F285]and]

(d) [F286]. . . . . .

(e) provision given effect to by any arrangements made for the purpose of regulating appointment to membership of the British Transport Police Force,

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[[F287]or the Civil Nuclear Constabulary**]**, or to particular ranks or positions with that Force or Constabulary.

(4) Without prejudice to the generality of any power conferred apart from this section, the provision falling within subsection (3) that may be made by any such regulations, terms and conditions or arrangements as are mentioned in that subsection may include provision imposing any of the following requirements—

(a) requirements with respect to the competence in written and spoken English of candidates for appointment;

(b) requirements with respect to the immigration status of such candidates;

(c) requirements with respect to nationality in the case of particular ranks, offices or positions;

and, in a case where the power to make provision with respect to qualification for appointment as a constable or as a special constable, or for membership of a force **[**[F288]or Service**]** , is exercisable by any such regulations as are mentioned in that subsection, the regulations made must impose requirements with respect to all the matters mentioned in paragraphs (a) and (b).

(5) [F289] . . . . . .

Textual Amendments

F275 Words in s. 82(1)(a) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(a)(i)**

F276 S. 82(1)(aa) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(a)(ii)**

F277 S. 82(1)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 185(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F278 S. 82(1)(e) substituted (1.4.2005) by Energy Act 2004 (c. 20), ss. 69, 198(2), **Sch. 14 para. 11(a)**; S.I. 2005/877, **art. 2(1)**, Sch. 1

F279 Word in s. 82(1)(e) inserted (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 12(2)(a)**; S.I. 2006/1085, **art. 2(c)**

F280 S. 82(1)(f) repealed (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 174, 178, Sch. 13 para. 12(2)(b), **Sch. 17 Pt. 2**; S.I. 2006/1085, **art. 2(c)(d)**

F281 Word in s. 82(2)(a) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(b)**

F282 S. 82(2)(aa) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(b)**

F283 S. 82(2)(c) and preceding word repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 185(3)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F284 Words in s. 82(3)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(c)**

F285 Word in s. 82(3)(c) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 185(4)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F286 S. 82(3)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 185(4)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

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F287 Words in s. 82(3)(e) substituted (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 12(3)**; S.I. 2006/1085, **art. 2(c)**

F288 Words in s. 82(4) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 185(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F289 S. 82(5) repealed (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 174, 178, Sch. 13 para. 12(4), **Sch. 17 Pt. 2**; S.I. 2006/1085, **art. 2(c)(d)**

Modifications etc. (not altering text)

C62 S. 82 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

Commencement Information

I14 S. 82 wholly in force; s. 82 not in force at Royal Assent, see s. 108(2); s. 82(4) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(i)**; s. 82 in force to the extent not already in force at 3.2.2003 by S.I. 2002/2750, **art. 5**

83 Attestation of constables

For Schedule 4 to the 1996 Act there shall be substituted—

"SCHEDULE 4

FORM OF DECLARATION

'I.....of.....do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.'"

84 . . . . . .

F290 . . . . . .

Textual Amendments

F290 S. 84 repealed (19.4.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 8 Pt. 1**; S.I. 2010/999, **art. 2(d)**

85 Director General of NCIS

F291 . . . . . .

Textual Amendments

F291 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

86 Police members of NCIS

F292 . . . . . .

Textual Amendments

F292 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

87 Police members of NCS

F293 . . . . . .

Textual Amendments

F293 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

88 Regulations for NCIS

F294 . . . . . .

Textual Amendments

F294 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

89 Regulations for NCS

F295 . . . . . .

Textual Amendments

F295 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

90 Supplementary provisions about police membership of NCIS

F296 . . . . . .

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F296 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

91 Supplementary provisions about police membership of NCS

F297 . . . . . .

Textual Amendments

F297 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Bodies with functions in relation to the police

92 Police authorities to produce three-year strategy plans

(1) After section 6 of the 1996 Act there shall be inserted—

"6A Three-year strategy plans

(1) Every police authority maintaining a police force for a police area in England and Wales shall, before the beginning of every relevant three-year period, issue a plan ("a three-year strategy plan") which sets out the authority's medium and long term strategies for the policing of that area during that period.

(2) Before a three-year strategy plan for any period is issued by a police authority, a draft of a plan setting out medium and long term strategies for the policing of the authority's area during that period must have been—

(a) prepared by the chief officer of police of the police force maintained by that authority; and

(b) submitted by him to the police authority for its consideration.

(3) In preparing the draft plan, the chief officer of police of a police force shall have regard to the views, obtained in accordance with arrangements under section 96, of people in the police area in question.

(4) A police authority which has issued a three-year strategy plan for any period may modify that plan at any time during that period.

(5) It shall be the duty, in issuing, preparing or modifying a three-year strategy plan or a draft of such a plan, of every police authority or chief officer of police to have regard to the National Policing Plan in force at that time.

(6) The Secretary of State —

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) shall issue guidance to police authorities and chief officers of police as to the matters to be contained in any three-year strategy plan, and as to the form to be taken by any such plan; and

(b) may from time to time revise and modify that guidance;

and it shall be the duty of every police authority and chief officer of police to take account of any guidance under this subsection when issuing, preparing or modifying any such plan or any draft plan prepared for the purposes of subsection (2).

(7) Before issuing or revising any guidance under subsection (6) the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; and

(c) such other persons as he thinks fit.

(8) A police authority which is proposing to issue or modify any plan under this section shall submit that plan, or the modifications, to the Secretary of State.

(9) Where a police authority issues a three-year strategy plan or modifies such a plan, it shall—

(a) send a copy of the plan or the modified plan to the Secretary of State; and

(b) cause the plan or modified plan to be published;

and the copy of any modified plan sent to the Secretary of State and the publication of any modified plan must show the modifications, or be accompanied by or published with a document which sets them out or describes them.

(10) If the Secretary of State considers that there are grounds for thinking that—

(a) a police authority's three-year strategy plan, or

(b) any proposals by a police authority for such a plan, or for the modification of such a plan,

may not be consistent with any National Policing Plan applicable to a financial year wholly or partly comprised in the period to which the strategy plan applies, he shall, before informing the police authority of his conclusions on whether or not it is in fact so inconsistent, consult with the persons mentioned in subsection (11).

(11) Those persons are—

(a) the police authority in question;

(b) the chief officer of police of the police force maintained by that authority;

(c) persons whom the Secretary of State considers to represent the interests of police authorities; and

(d) persons whom the Secretary of State considers to represent the interests of chief officers of police.

(12) Before a police authority—

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) issues a three-year strategy plan that differs in any material respect from the draft submitted to it by the chief officer of police of the force maintained by that authority, or

(b) modifies its three-year strategy plan,

it shall consult with that chief officer.

(13) Any best value performance plan prepared by a police authority under section 6 of the Local Government Act 1999 (c. 27) for any financial year must be consistent with any three-year strategy plan which sets out the authority's current strategies for policing its area during any period which includes the whole or any part of that financial year.

(14) The Secretary of State may by regulations make provision for—

(a) the procedure to be followed on the submission to him of any plan or modifications for the purposes of this section; and

(b) the periods which are to constitute relevant three-year periods for the purposes of this section;

and those regulations may provide for a period of less than three years to be the first period treated as a relevant three-year period for the purposes of this section.

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

(2) In section 8 of that Act (local policing plans), after subsection (2) there shall be inserted—

"(2A) The local policing plan for any financial year must be consistent with any three-year strategy plan under section 6A which sets out the authority's current strategies for the policing of its area during any period which includes the whole or any part of that financial year."

(3) In section 9(2) of that Act (annual report by police authorities to include assessment of extent to which local policing plan carried out), for the words from "the local policing plan" onwards there shall be substituted ", during that year proposals have been implemented, and things have been done, in accordance with the following plans —

(a) the three-year strategy plan issued under section 6A for the period that includes that year; and

(b) the local policing plan issued for that year under section 8."

Commencement Information

I15 S. 92 wholly in force at 1.11.2002; s. 92 not in force at Royal Assent, see s. 108(2); s. 92(1) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(v)** and s. 92 in force to the extent not already in force at 1.11.2002 by S.I. 2002/2306, **art. 5(b)**

93 Quorum for the Service Authorities under the 1997 Act

F298 . . . . . .

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F298 S. 93 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 187, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

94 Expenses of members of police authorities etc.

F299 . . . . . .

Textual Amendments

F299 S. 94 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(s)(iv)** (subject to arts. 6, 7)

95 Duties under the Health and Safety at Work etc. Act 1974

F300 . . . . . .

Textual Amendments

F300 S. 95 repealed (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 158(4)(a), 174(2), 178(1), **Sch. 17 Pt. 1**

96 President of ACPO

If a person who holds the office of constable becomes the president of the Association of Chief Police Officers [F301]. . . , he shall, while he is the president of that Association—

(a) continue to hold the office of constable; and

(b) hold that office with the rank of chief constable.

Textual Amendments

F301 Words in s. 96 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 52, 53, Sch. 4 para. 17, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(r)(iii)** (subject to arts. 6, 7)

97 Crime and disorder reduction partnerships

(1) The Crime and Disorder Act 1998 (c. 37) shall be amended as follows.

(2) In section 5 (authorities responsible for strategies), in subsection (1), after paragraph (b) there shall be inserted—

"(c) every police authority any part of whose police area so lies;

(d) every fire authority any part of whose area so lies;

(e) if the local government area is in England, every Primary Care Trust the whole or any part of whose area so lies; and

(f) if the local government area is in Wales, every health authority the whole or any part of whose area so lies."

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) After subsection (1) of that section there shall be inserted—

"(1A) The Secretary of State may by order provide in relation to any two or more local government areas in England—

(a) that the functions conferred by sections 6 to 7 below are to be carried out in relation to those areas taken together as if they constituted only one area; and

(b) that the persons who for the purposes of this Chapter are to be taken to be responsible authorities in relation to the combined area are the persons who comprise every person who (apart from the order) would be a responsible authority in relation to any one or more of the areas included in the combined area.

(1B) The Secretary of State shall not make an order under subsection (1A) above unless—

(a) an application for the order has been made jointly by all the persons who would be the responsible authorities in relation to the combined area or the Secretary of State has first consulted those persons; and

(b) he considers it would be in the interests of reducing crime and disorder, or of combatting the misuse of drugs, to make the order."

(4) In subsection (2) of that section (consultation)—

(a) for paragraphs (a) and (b) there shall be substituted—

"(b) every local probation board any part of whose area lies within the area;"

(b) at the end of paragraph (c) there shall be inserted "; and

(d) where they are acting in relation to an area in Wales, every person or body which is of a description which is for the time being prescribed by an order under this subsection of the National Assembly for Wales;".

(5) In subsection (3) of that section, at the end there shall be inserted "and, in the case of the responsible authorities for an area in Wales, of any person or body of a description for the time being prescribed by an order under this subsection of the National Assembly for Wales."

(6) After subsection (4) of that section, there shall be inserted—

"(5) In this section—

"fire authority" means—

(a) any fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41);

(b) any metropolitan county fire and civil defence authority; or

(c) the London Fire and Emergency Planning Authority; and

"police authority" means—

(a) any police authority established under section 3 of the Police Act 1996 (c. 16); or

(b) the Metropolitan Police Authority."

(7) [F302] . . . . . .

(8) [F302] . . . . . .

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) F302 . . . . . .

(10) F302 . . . . . .

(11) F302 . . . . . .

(12) F302 . . . . . .

(13) In section 114—

(a) in subsection (1) (powers of Ministers exercisable by statutory instrument), after "Minister of the Crown" there shall be inserted " or of the National Assembly for Wales "; and

(b) in subsection (2) (orders subject to negative resolution procedure), for "5(2) or (3) or 10(6) above, or" there shall be substituted " 5(1A), (2) or (3), 6A(1) or 10(6) above (other than one made by the National Assembly for Wales), or containing ".

(14) In section 115(2) (authorities to which information may be disclosed for purposes connected with that Act), in paragraph (d)—

(a) in sub-paragraph (i), after "London borough council" there shall be inserted " , a parish council "; and

(b) in sub-paragraph (ii), for "or a county borough council" there shall be substituted " , a county borough council or a community council ".

(15) Section 5(1) (as amended by subsection (2) shall have effect in relation to a local government area in England at any time when that area or a part of it comprises or contains an area that is not included in the area of a Primary Care Trust, as if the reference to a Primary Care Trust the whole or part of whose area lies within the local government area included a reference to any health authority or strategic health authority whose area comprises or includes the area for which there is no Primary Care Trust.

Textual Amendments

F302 S. 97(7)-(12) repealed (1.8.2007 for E. and 19.11.2007 for W.) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 3**; S.I. 2007/1614, **art. 3(e)(ii)**; S.I. 2007/3073, **art. 2(c)(ii)**

Commencement Information

I16 S. 97 partly in force; s. 97 not in force at Royal Assent, see s. 108(2); s. 97(1)(3)(4)(7)(9) in force (E.) and s. 97(10)(11)(13)(14) in force at 1.10.2002 by S.I. 2002/2306, arts. {2(f)(viii)}, {3(a)}; s. 97 in force for certain purposes for W. at 1.4.2003 by S.I. 2003/525, **art. 2**; s. 97(2) in force for certain purposes and s. 97(6)(12) in force at 1.4.2003 by S.I. 2003/808, **art. 2(j)**; s. 97(5)(8) in force for E. at 23.2.2004 by S.I. 2004/119, **art. 2**; s. 97 in force in so far as not already in force for E. at 30.4.2004 by S.I. 2004/913, **art. 3(a)**

98 Secretary of State's functions in relation to strategies

F303 . . . . . .

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F303 S. 98 repealed (1.8.2007 for E. and 19.11.2007 for W.) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 3**; S.I. 2007/1614, **art. 3(e)(ii)**; S.I. 2007/3073, **art. 2(c)(ii)**

99 Power to modify functions and structure of PITO

F304 . . . . . .

Textual Amendments

F304 S. 99 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

100 Metropolitan Police Authority housing

(1) In section 4(e) of the Housing Act 1985 (c. 68) (which defines local authorities for the purposes of the provisions of that Act, including those relating to secure tenancies), the words "the Metropolitan Police Authority" shall be omitted.

(2) In paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (c. 50) (local authority tenancies that cannot be assured tenancies), the words "and the Metropolitan Police Authority" shall be omitted.

(3) Nothing in subsection (1) or in any repeal made by this Act for the purposes of that subsection shall affect—

(a) the operation of Part 5 of the Housing Act 1985 (c. 68) (the right to buy) in relation to any case in which a person who had acquired a right to buy under that Part before the day on which this Act is passed either—

(i) had served a notice under section 122 of that Act (tenant's notice claiming right to buy) on the Metropolitan Police Authority before that day; or

(ii) serves such a notice on that Authority in the period of three months beginning with that day;

or

(b) the extent to which, in any other case, any period falling before the day on which this Act is passed falls at any subsequent time to be treated as a period qualifying under any of the provisions of Schedule 4 to that Act.

(4) A tenancy which becomes an assured tenancy by virtue of this section shall be an assured shorthold tenancy unless (whenever it was entered into) it—

(a) falls within any of paragraphs 1 to 3 of Schedule 2A to the Housing Act 1988 (c. 50); or

(b) was an assured tenancy, but not an assured shorthold tenancy, immediately before it became a secure tenancy.

101 Provision of goods and services by police authorities

For section 18 of the 1996 Act (supply of goods and services) there shall be substituted—

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Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**18 Supply of goods and services**

(1) Subsections (1) to (3) of section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39) (supply of goods and services by local authorities)—

(a) shall apply, with the modification set out in subsection (2), to a police authority established under section 3 of this Act and to the Metropolitan Police Authority as they apply to a local authority; and

(b) shall also apply with that modification in their application to the Common Council of the City of London in its capacity as the police authority for the City of London police force.

(2) The modification is that references in those subsections to a public body shall be read as references to any person."

Liability for unlawful acts of constables etc.

102 Liability for wrongful acts of constables etc.

(1) Each of the enactments specified in subsection (2) shall be amended as follows—

(a) for the words "torts committed by", in each place where they occur, there shall be substituted " any unlawful conduct of "; and

(b) for "in respect of any such tort" there shall be substituted " , in the case of a tort, ".

(2) The enactments are—

(a) section 88(1) of the 1996 Act (liability of chief officers);

(b) section 97(9) of that Act (liability of the Secretary of State);

(c) [F305] . . . . . .

(d) [F305] . . . . . .

(e) section 27(8) of the Police (Northern Ireland) Act 1998 (c. 32) (liability of the Secretary of State);

(f) section 29(1) of that Act (liability of the chief constable of the Police Service of Northern Ireland);

(g) paragraph 7(3) of Schedule 3 to that Act (liability of the Police Ombudsman); and

(h) [F306] . . . . . .

(3) [F306] . . . . . .

(4) In each of the enactments specified in subsection (5), for "a tort committed by" there shall be substituted " any unlawful conduct of ".

(5) The enactments are—

(a) section 88(4)(a) of the 1996 Act (payments in respect of tort proceedings against constables and special constables);

(b) [F307] . . . . . .

(c) [F307] . . . . . .

(d) section 29(3)(a) of the Police (Northern Ireland) Act 1998 (payments in respect of tort proceedings against police officers in Northern Ireland); and

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(e) paragraph 7(4)(a) of Schedule 3 to that Act (payment in respect of tort proceedings against police officers serving with, or assisting, the Police Ombudsman).

(6) In section 42(6) of the 1997 Act (application to Scotland), paragraph (a) shall be omitted.

(7) In section 39 (1) of the Police (Scotland) Act 1967 (c. 77) (liability for wrongful acts of constables)—

(a) for "in reparation in respect of any wrongful act or omission" there shall be substituted " for any unlawful conduct "; and

(b) for "in respect of a wrongful act or omission" there shall be substituted " for any unlawful conduct ".

(8) In section 39(4) of that Act, for "wrongful act or omission" there shall be substituted " unlawful conduct ".

Textual Amendments

F305 S. 102(2)(c)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 188(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F306 S. 102(2)(h)(3) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F307 S. 102(5)(b)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 188(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Commencement Information

I17 S. 102 wholly in force; s. 102 not in force at Royal Assent, see s. 108(2)(5); s. 102(1) - (6) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(xi)**; s. 102(7)(8) in force at 1.10.2002 by S.S.I. 2002/420, **art. 2**

International joint investigation teams

103 Liability in respect of members of teams

(1) In section 88 of the 1996 Act (liability for wrongful acts of constables), after subsection (5) there shall be inserted—

"(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of a police force as if—

(a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and

(b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(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."

(2) [F308]. . . . . .

(3) [F308]. . . . . .

[F309](4) . . . . . .

(5) In section 29 of the Police (Northern Ireland) Act 1998 (c. 32) (liability for wrongful acts of constables), after subsection (5) there shall be inserted—

"(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of the Police Service of Northern Ireland as if any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither—

(a) a constable, nor

(b) an employee of the Board,

were unlawful conduct of a constable under the direction and control of the Chief Constable.

(7) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(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."

(6) Where—

Status: *Point in time view as at 23/03/2015.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) any sums are paid by virtue of this section out of a police fund [F310]. . . or by the Chief Constable of the Police Service of Northern Ireland, and

(b) in pursuance of any international obligation, the Secretary of State receives any sum by way of reimbursement, in whole or in part, of the sums paid out of that fund or by that Chief Constable,

the Secretary of State shall pay into that fund or (as the case may be) to that Chief Constable the sums received by him by way of reimbursement.

[F311](7) . . . . . .

Textual Amendments

F308 S. 103(2)(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 189(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F309 S. 103(4) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(3)**

F310 Words in s. 103(6) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 189(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F311 S. 103(7) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(3)**

Commencement Information

I18 S. 103 wholly in force; s. 103 not in force at Royal Assent, see s. 108(2)(5); s. 103(1)-(3)(5)-(7) in force at 1.10.2002 by S. I. 2002/2306, **art. 2(f)(xii)**; s. 103(4) in force at 1.10.2002 by S.S.I. 2002/420, **art. 2**

104 Assaults on members of teams

(1) In section 89 of the 1996 Act (assaults on constables), after subsection (3) there shall be inserted—

"(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

(a) is a member of an international joint investigation team that is led by a member of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and

(b) is carrying out his functions as a member of that team.

(5) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

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(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(2) In section 41 of the Police (Scotland) Act 1967 (c. 77) (assaults on constables), after subsection (3) there shall be inserted—

"(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

(a) is a member of an international joint investigation team that is led by a constable of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and

(b) is carrying out his functions as a member of that team.

(5) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.

(6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(3) In section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaults on constables), after subsection (4) there shall be inserted—

"(5) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

(a) is a member of an international joint investigation team that is led by a member of the Police Service of Northern Ireland; and

(b) is carrying out his functions as a member of that team.

(6) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

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(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(7) A statutory instrument containing an order under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Commencement Information

I19 S. 104 wholly in force; s. 104 not in force at Royal Assent, see s. 108(2)(5); s. 104(1)(3) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(xiii)**; s. 104(2) in force at 1.10.2002 by S.S.I. 2002/420, **art. 2**

PART 7

SUPPLEMENTAL

105 Powers of Secretary of State to make orders and regulations

(1) Every power conferred by this Act on the Secretary of State to make orders or regulations shall be exercisable by statutory instrument.

(2) A statutory instrument containing an order or regulations made in exercise of any such power, other than an order to which subsection (3) applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) This subsection applies to—

(a) any order under section 9(7) or 108; and

(b) any order that is required to be approved in draft by virtue of section 19(3) **[**[F312], 38A(4)**][**[F313]or 41B**]**[F314]. . . **[**[F315]or paragraph 15A(2) of Schedule 4 or paragraph 9A(2) of Schedule 5**]** .

(4) Every power of the Secretary of State to make an order or regulations under this Act, other than an order under section 9(7) or 108, shall include power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.

(5) Every power of the Secretary of State to make provision by regulations under Part 2 shall include power to make provision for any of the matters that may be provided for to be determined, in accordance with the regulations, by the Independent Police Complaints Commission.

Textual Amendments

F312 Words in s. 105(3)(b) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 4**; S.I. 2007/709, **art. 3(h)** (subject to arts. 6, 7)

F313 Words in s. 105(3)(b) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 46**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

Status: *Point in time view as at 23/03/2015.*
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F314 Words in s. 105(3)(b) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F315 Words in s. 105(3)(b) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 89(2)**, 93; S.I. 2003/3300, **art. 2(f)(iv)**

106 General interpretation

In this Act—

"the 1984 Act" means the Police and Criminal Evidence Act 1984 (c. 60);

"the 1996 Act" means the Police Act 1996 (c. 16);

"the 1997 Act" means the Police Act 1997 (c. 50);

[[F316]the Association of Chief Police Officers" means the Association of Chief Police Officers of England, Wales and Northern Ireland;**]**

[[F317]"the British Transport Police Force" means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);**]**

"modifications" includes omissions, alterations and additions, and cognate expressions shall be construed accordingly.

Textual Amendments

F316 Words in s. 106 inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 18**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F317 S. 106: definition of "British Transport Police Force" ceased to have effect (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

Modifications etc. (not altering text)

C63 S. 106 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

107 Consequential amendments and repeals

(1) Schedule 7 (which makes minor and consequential amendments) shall have effect.

(2) The enactments specified in Schedule 8 (which include provisions that are spent or have ceased to be of any practical utility) are hereby repealed to the extent specified in the second column of that Schedule.

Commencement Information

I20 S. 107 partly in force; s. 107(2) in force at Royal Assent for certain purposes, see s. 108(2)(3); s. 107 in force for certain purposes at 1.10.2002 by S.I.2002/2306, **art. 2(g)(i)**; s. 107 in force for certain purposes at 2.12.2002 by S.I. 2002/2750, **art. 2(b)(i)**; s. 107(2) in force for certain purposes at 1.4.2003 by S.I. 2003/808, **art. 2(k)**; s. 107 in force for certain purposes at 1.4.2004 by S.I. 2004/913, **art. 2(c)**; s. 107 in force for certain purposes for E. at 30.4.2004 by S.I. 2004/913, **art. 3(b)**; s. 107(2) in force for certain purposes at 1.6.2004 by S.I. 2004/1319, **art. 2(e)**; s. 107(1) in force in so far as not already in force and s. 107(1)(2) in force for certain purposes at 23.12.2004 by S.I. 2004/3338, **art. 3(a)**

Status: *Point in time view as at 23/03/2015.*
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108 Short title, commencement and extent

(1) This Act may be cited as the Police Reform Act 2002.

(2) This Act, except—

(a) the provisions specified in subsection (3) (which come into force on the day on which this Act is passed), and

(b) the provisions to which subsections (4) and (5) apply,

shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes or different areas.

(3) The provisions coming into force on the day on which this Act is passed are—

(a) section 100, the entries in Schedule 8 relating to the Housing Act 1985 (c. 68), the Housing Act 1988 (c. 50), paragraphs 51 and 59 of Schedule 27 to the Greater London Authority Act 1999 (c. 29) and paragraph 74 of Schedule 6 to the Criminal Justice and Police Act 2001 (c. 16) and section 107(2) (so far as relating to those entries); and

(b) sections 105 and 106 and this section.

(4) The provisions of sections 97 and 98, so far as they relate to local government areas in Wales, shall come into force on such day as the National Assembly for Wales may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes or different areas.

(5) Sections 70 and 71, and sections 102 to 104 so far as they amend the Police (Scotland) Act 1967 (c. 77), shall come into force on such day as the Scottish Ministers may by order appoint; and different days may be appointed under this subsection for different purposes or different areas.

(6) Subject to subsections (7) to (9), this Act extends to England and Wales only.

(7) This Act extends to the United Kingdom so far as it makes the following provision—

[[F318](za) the provision contained in paragraph 19F of Schedule 3 (and any interpretative or other supplementary provision as it has effect for the purposes of that provision);**]**

(a) the provision contained in Part 5;

(b) the provision contained in section 82;

(c) [F319] . . . . . .

(d) the provision contained in section 103(6);

(e) [F320] . . . . . .

(8) Section 96 also extends to Northern Ireland.

(9) Subject to subsection (10), this Act, so far as it amends or repeals any enactment (other than one that extends to England and Wales only), has the same extent as the enactment amended or repealed.

(10) The amendments and repeals made by this Act—

(a) in section 96 of the Road Traffic Regulation Act 1984 (c. 27) (traffic wardens),

(b) in sections 103 and 183 of the Road Traffic Act 1988 (c. 52) (driving while disqualified), and

(c) Part 3 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalties),

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do not extend to Scotland.

Subordinate Legislation Made

P1 S. 108(2) power partly exercised: 1.10.2002 and 1.11.2002 appointed for specified provisions by {S.I. 2002/2306}, arts. 2-5;
S. 108(2) power partly exercised: 2.12.2002, 1.1.2003 and 3.2.2003 appointed for specified provisions by {S.I. 2002/2750}, arts. 2-5

P2 S. 108(2) power partly exercised: 1.4.2003 appointed for specified provisions and purposes by {S.I. 2003/808}, art. 2

P3 S. 108(2) power partly exercised: 15.11.2003 appointed for specified provisions and purposes by {S.I. 2003/2593}, art. 2

P4 S. 108(2) power partly exercised: 23.2.2004 appointed for specified provision for E. by {S.I. 2004/119}, art. 2

P5 S. 108(2) power partly exercised: 9.3.2004 appointed for specified provision by {S.I. 2004/636}, art. 2

P6 S. 108(2) power partly exercised: different dates appointed for specified provisions and purposes by {S.I. 2004/913}, arts. 2, 3

P7 S. 108(2) power partly exercised: 1.6.2004 appointed for specified provisions by {S.I. 2004/1319}, art. 2

P8 S. 108(2) power partly exercised: 23.12.2004 appointed for specified provisions and purposes by {S.I. 2004/3338}, arts. 2, 3

P9 S. 108(4) power fully exercised: 1.4.2003 appointed for specified provisions and purposes by {S.I. 2003/525}, art. 2

P10 S. 108(5) power fully exercised: 1.10.2002 appointed by {S.S.I. 2002/420}, art .2

Textual Amendments

F318 S. 108(7)(za) inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), **ss. 1(4)**, 3(3)

F319 S. 108(7)(c) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F320 S. 108(7)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 10, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

Status:
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Changes to legislation:
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