

Status: Point in time view as at 01/10/2009.

Changes to legislation: Railways and Transport Safety Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 11 May 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)

SCHEDULES

SCHEDULE 4

Section 18

BRITISH TRANSPORT POLICE AUTHORITY

PART 1

MEMBERSHIP

Appointment

- 1 (1) The Secretary of State—
 - (a) shall appoint the members of the Authority, and
 - (b) shall ensure that the number of members is an odd number neither lower than 11 nor higher than 17.
- (2) The Secretary of State may by order amend sub-paragraph (1)(b) so as to substitute a different number for a number specified.
- (3) An order under sub-paragraph (2) may not be made unless the Secretary of State has consulted the Authority.

Commencement Information

II Sch. 4 para. 1 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

- 2 (1) The Secretary of State shall so far as is reasonably practicable ensure that the membership of the Authority includes—
 - (a) at least four persons who have knowledge of and experience in relation to the interests of persons travelling by railway,
 - (b) at least four persons who have knowledge of and experience in relation to the interests of persons providing railway services,
 - (c) a person who has knowledge of and experience in relation to the interests of employees of persons providing railways services,
 - ^{F1}(d)
 - (e) a person who has knowledge of the interests of persons in Scotland and who is appointed following consultation with the Scottish Ministers,
 - (f) a person who has knowledge of the interests of persons in Wales and who is appointed following consultation with the National Assembly for Wales, and
 - (g) a person who has knowledge of the interests of persons in England.
- (2) A person may be appointed so as to satisfy, or to contribute to satisfying, more than one paragraph of sub-paragraph (1).
- (3) But a person may not be appointed so as to—

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- (a) contribute to satisfying sub-paragraph (1)(b), and
- (b) satisfy sub-paragraph (1)(c).

(4) In appointing members of the Authority the Secretary of State shall have regard to the desirability of appointing persons who have experience of and have shown capacity in relation to matters relevant to the policing of the railways.

Textual Amendments

F1 Sch. 4 para. 2(1)(d) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

Commencement Information

I2 Sch. 4 para. 2 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

Tenure

- 3
- (1) A member of the Authority shall hold and vacate office in accordance with the terms of his appointment (subject to the provisions of this Schedule).
 - (2) A member of the Authority may resign by notice to the Secretary of State, which must be—
 - (a) in writing, and
 - (b) copied to the Authority.
 - (3) The Secretary of State may dismiss a member of the Authority if—
 - (a) he is absent from meetings of the Authority during a period of more than three months without permission of the Authority,
 - (b) he is convicted of an offence, or
 - (c) the Secretary of State thinks that the member is unable, unfit or unwilling to perform his functions as a member (whether because of illness or otherwise).

Commencement Information

I3 Sch. 4 para. 3 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

Chairman and deputy chairman

- 4
- (1) The Secretary of State shall appoint a member of the Authority as its chairman.
 - (2) The chairman shall perform such functions as may be assigned to him by the Secretary of State.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

- 5
- (1) The Secretary of State may appoint a member of the Authority as its deputy chairman.
 - (2) The deputy chairman—
 - (a) may act for the chairman when he is unable to act or unavailable, and

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- (b) shall perform such other functions as may be assigned or delegated to him by the chairman.

Commencement Information

I5 Sch. 4 para. 5 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

- 6 The Secretary of State may not appoint as chairman or deputy chairman of the Authority a member who—
- (a) is an officer or employee of a body which is required to enter into a police services agreement, ^{F2}...
- ^{F2}(b)

Textual Amendments

F2 Sch. 4 para. 6(b) and word repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

Commencement Information

I6 Sch. 4 para. 6 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

Disqualification

- 7 (1) A person under the age of 21 shall not be eligible for appointment as a member of the Authority.
- (2) A person shall not be eligible for appointment as a member of the Authority while he—
- (a) is an officer or employee of the Authority,
- (b) is a constable,
- (c) is an officer or employee of a police authority within the meaning of section 101 of the Police Act 1996 (c. 16) (interpretation), or
- (d) is an officer or employee of a police authority within the meaning of section 50 of the Police (Scotland) Act 1967 (c. 77) (interpretation).
- (3) A person shall not be eligible for appointment as a member of the Authority if he is the subject of—
- (a) a bankruptcy restrictions order (or interim order),
- (b) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under [^{F3}the Company Directors Disqualification (Northern Ireland) Order 2002], or
- (c) an order under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (disability imposed on revoking administration order under County Courts Act 1984).
- (4) A person shall not be eligible for appointment as a member of the Authority if his estate has been sequestrated in Scotland or if, under Scots law, he has made a composition or arrangement with, or granted a trust deed for, his creditors.
- (5) If a person is convicted of an offence for which he is sentenced to imprisonment for a term of at least three months, he shall not be eligible for appointment as a

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member of the Authority during the period of five years beginning with the date of the conviction.

Textual Amendments

F3 Words in [Sch. 4 para. 7\(3\)\(b\)](#) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 217](#) (with art. 10)

Commencement Information

I7 [Sch. 4 para. 7](#) in force at 1.7.2004 by [S.I. 2004/1572](#), art. 3(iii)

8 If a member of the Authority becomes ineligible for appointment his membership shall lapse.

Commencement Information

I8 [Sch. 4 para. 8](#) in force at 1.7.2004 by [S.I. 2004/1572](#), art. 3(iii)

PART 2

PROCEEDINGS

Standards of conduct

- 9 (1) The Authority shall make a code of practice establishing standards for the conduct of members.
- (2) The code of practice must make provision similar to that of the model code issued by the Secretary of State under section 50 of the Local Government Act 2000 (c. 22) (local government: conduct).
- (3) Before making the code of practice the Authority shall—
- (a) submit a draft to the Secretary of State, and
 - (b) obtain his approval of it.

Commencement Information

I9 [Sch. 4 para. 9](#) in force at 1.7.2004 by [S.I. 2004/1572](#), art. 3(iii)

Staff

- 10 The Authority may—
- (a) appoint staff;
 - (b) delegate a function to staff.

Commencement Information

I10 [Sch. 4 para. 10](#) in force at 1.7.2004 by [S.I. 2004/1572](#), art. 3(iii)

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- 11 In particular, the Authority shall appoint—
- (a) a Treasurer with responsibility for ensuring the proper management of the Authority's finances, and
 - (b) [^{F4}a chief executive]with responsibilities, assigned by the Authority, similar to those of the head of a local authority's paid service under section 4 of the Local Government and Housing Act 1989 (c. 42).

Textual Amendments

- F4** Words in [Sch. 4 para. 11\(b\)](#) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 52\(1\)](#); [S.I. 2007/709, art. 3\(p\)](#) (with [art. 6](#))

Commencement Information

- I11** [Sch. 4 para. 11](#) in force at 1.7.2004 by [S.I. 2004/1572, art. 3\(iii\)](#)

Committees

- 12 The Authority may—
- (a) establish a committee (which may include persons who are not members of the Authority);
 - (b) delegate a function to a committee established under paragraph (a).

Commencement Information

- I12** [Sch. 4 para. 12](#) in force at 1.7.2004 by [S.I. 2004/1572, art. 3\(iii\)](#)

Procedure

- 13 The Authority shall determine its practice and procedure (subject to the provisions of this Schedule).

Commencement Information

- I13** [Sch. 4 para. 13](#) in force at 1.7.2004 by [S.I. 2004/1572, art. 3\(iii\)](#)

- 14 (1) The Authority shall conduct its proceedings in public.
- (2) The Authority—
- (a) may disapply sub-paragraph (1) in respect of proceedings which the Authority thinks should be conducted in private, and
 - (b) may exclude a specified person from proceedings.

Commencement Information

- I14** [Sch. 4 para. 14](#) in force at 1.7.2004 by [S.I. 2004/1572, art. 3\(iii\)](#)

Validity of proceedings

- 15 The validity of proceedings of the Authority shall not be affected by—

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- (a) a vacancy in the membership,
- (b) a vacancy in the office of chairman,
- (c) a defect in the appointment of a member, of the chairman or of the deputy chairman, or
- (d) the participation of a person whose membership has lapsed.

Commencement Information

I15 Sch. 4 para. 15 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

PART 3

MONEY AND PROPERTY

The British Transport Police Fund

- 16 The Authority shall establish a fund to be known as the British Transport Police Fund.

Commencement Information

I16 Sch. 4 para. 16 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

- 17 The Authority shall—
- (a) maintain accounts of the British Transport Police Fund, and
 - [^{F5}(b) send a copy of the accounts in respect of each financial year ending on or after 31st March 2005 to the Comptroller and Auditor General as soon as reasonably practicable after the end of that year.]

Textual Amendments

F5 Sch. 4 para. 17(b) substituted (23.3.2005) by *Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2005 (S.I. 2005/913)*, arts. 1, 3(3)

Commencement Information

I17 Sch. 4 para. 17 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

- [^{F6}17A. The Comptroller and Auditor General shall examine, certify and report on the accounts sent to him under paragraph 17(b) in respect of each financial year and shall lay a copy of the accounts and his report on them before each House of Parliament.]

Textual Amendments

F6 Sch. 4 para. 17A inserted (23.3.2005) by *Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2005 (S.I. 2005/913)*, arts. 1, 3(4)

- 18 All expenditure of the Authority shall be made by way of payment out of the British Transport Police Fund.

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Commencement Information

I18 Sch. 4 para. 18 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

Budget

- 19 (1) The Authority shall before each financial year set a budget of expected expenditure and income for the year.
- (2) Before setting a budget the Authority shall consult—
- (a) the Treasurer, and
 - (b) the Chief Constable.
- (3) A budget must be set by a decision taken—
- (a) by majority vote at a meeting of the Authority,
 - (b) with at least half of the members of the Authority voting in favour, and
 - (c) with at least half of the members who vote being neither officers of nor employed by a person who has entered into, or is required to enter into, a police services agreement.
- (4) If the Authority has not immediately before a financial year complied with sub-paragraph (1) the Secretary of State may set a budget for the Authority for the year.
- (5) Before setting a budget under sub-paragraph (4) the Secretary of State shall consult—
- (a) each member of the Authority,
 - (b) the Treasurer, and
 - (c) the Chief Constable.

Commencement Information

I19 Sch. 4 para. 19 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 20 The Authority shall make an estimate of the likely ratio of customers' contributions in accordance with section 33(4)(b)—
- (a) before and in relation to each consecutive period of five financial years, and
 - (b) at such other times and in relation to such other periods as the Authority think appropriate.

Commencement Information

I20 Sch. 4 para. 20 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

Members: remuneration, allowances, &c.

- 21 (1) The Authority shall publish arrangements for the making of payments to or in respect of members or former members whether by way of or in respect of—
- (a) remuneration,
 - (b) allowances,
 - (c) expenses,

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- (d) compensation, or
 - (e) gratuity.
- (2) The first arrangements published under this paragraph shall come into force—
- (a) on being made, or
 - (b) at such later time as they may specify.
- (3) Subsequent arrangements published under this paragraph shall come into force at the end of the period of 12 months beginning with the date of publication.
- (4) Arrangements under this paragraph may not be made without the consent of the Secretary of State.
- (5) Arrangements under this paragraph shall, in particular, provide that compensation may be paid by the Authority to a person who ceases to be a member only if the Secretary of State thinks it appropriate because of special circumstances.
- (6) The Authority may make payments in accordance with arrangements published under this paragraph.

Commencement Information

I21 Sch. 4 para. 21 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

General staff: remuneration, allowances, &c.

- 22 (1) The Authority may make payments to or in respect of staff or former staff whether by way of or in respect of—
- (a) remuneration,
 - (b) allowances,
 - (c) expenses,
 - (d) compensation, or
 - (e) gratuity.
- (2) In this paragraph “staff” does not include a constable, cadet or civilian employee of the Police Force.

Commencement Information

I22 Sch. 4 para. 22 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

Constables, &c.: remuneration, allowances, &c.

- 23 (1) The Authority may make payments to or in respect of a person who is or has been a constable, cadet or civilian employee of the Police Force—
- (a) in accordance with the terms of the person’s appointment, and
 - (b) subject to any provision made by or under this Act.
- (2) The Authority may make payments to or for a person who is or has been a constable of the Police Force in respect of proceedings brought against the person in relation to anything done or not done in the course of or in connection with his duties.

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- (3) The Authority may on the recommendation of the Chief Constable make a payment to a constable or cadet by way of reward for—
- (a) exceptional diligence, or
 - (b) other specially meritorious conduct.

Commencement Information

I23 Sch. 4 para. 23 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

Pensions

- 24 (1) This paragraph applies in relation to any pension scheme which—
- (a) had effect before the commencement of this Schedule principally or exclusively for the benefit of constables of the old transport police (within the meaning of section 73(3)), and
 - (b) has effect after the commencement of this Schedule (whether or not wholly or partly by virtue of an order under that section) principally or exclusively for the benefit of constables of the Police Force.
- (2) The Secretary of State may by order vary—
- (a) the terms of the scheme;
 - (b) arrangements relating to the operation of the scheme.
- (3) An order under sub-paragraph (2) may, in particular—
- (a) amend an instrument under which a scheme has effect;
 - (b) amend an instrument regulating a scheme;
 - (c) make provision about the manner in which a scheme can be amended;
 - (d) make provision about the exercise of functions under a scheme;
 - (e) confer a function (which may include a discretionary function) on the Secretary of State.
- (4) An order under sub-paragraph (2) may not—
- (a) make provision about—
 - (i) the persons who may participate in a scheme,
 - (ii) contributions by participants,
 - (iii) contributions by employers of participants,
 - (iv) the investment of assets, or
 - (v) the winding up of all or part of the scheme,
 - (b) prevent approval of a scheme under Chapter I of Part XIV of the Income and Corporation Taxes Act 1988 (c. 1) (retirement benefit schemes), or
 - (c) prevent a scheme from being a contracted-out scheme for the purposes of Part III of the Pension Schemes Act 1993 (c. 48) or of the Pension Schemes (Northern Ireland) Act 1993 (c. 49).
- (5) Section 67(2) to (4) of the Pensions Act 1995 (c. 26) (restriction on power to alter pension scheme) shall apply to the power conferred by sub-paragraph (2) (except in so far as may be prescribed under section 67(5)(b) of that Act).
- (6) Provision made under sub-paragraph (2) shall have effect only in so far as it is consistent with provision made under Schedule 11 to the Railways Act 1993 (c. 43).

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- (7) An order under sub-paragraph (2) may not be made unless the Secretary of State has consulted the trustees of any scheme to which the order relates.

Commencement Information

I24 Sch. 4 para. 24 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 25 (1) The Authority may with the consent of the Secretary of State arrange for the establishment of a pension scheme for the benefit of members or staff.
- (2) A scheme established under sub-paragraph (1) may confer a function (which may include a discretionary function) on the Secretary of State.
- (3) In this paragraph “staff” includes a constable, cadet or civilian employee of the Police Force.

Commencement Information

I25 Sch. 4 para. 25 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 26 The Authority may make payments—
- (a) under a scheme in relation to which paragraph 24 applies;
 - (b) under a scheme which continues to have effect by virtue of or in accordance with an order under section 73(3);
 - (c) under a scheme which is established under paragraph 25;
 - (d) otherwise in respect of pensions for members, former members, staff or former staff.

Commencement Information

I26 Sch. 4 para. 26 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

Income

- 27 The Secretary of State may make a payment to the Authority—
- (a) by way of grant (subject to such conditions, if any, as the Secretary of State may specify), or
 - (b) by way of loan (on such terms, as to interest or otherwise, as the Secretary of State may specify).

Commencement Information

I27 Sch. 4 para. 27 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 28 The Authority may accept money or other property, by way of grant, loan or otherwise, from any person (whether or not subject to conditions or terms).

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Commencement Information

I28 Sch. 4 para. 28 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 29 The Authority may borrow money only from or with the consent (which may be general or specific) of the Secretary of State.

Commencement Information

I29 Sch. 4 para. 29 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

- 30 All money received by the Authority shall be paid into the British Transport Police Fund.

Commencement Information

I30 Sch. 4 para. 30 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

Property

- 31 The Authority may acquire, develop or dispose of property.

Commencement Information

I31 Sch. 4 para. 31 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

Financial year

- 32 The financial year of the Authority shall be the period of twelve months ending with 31st March.

Commencement Information

I32 Sch. 4 para. 32 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(iii\)](#)

PART 4

MISCELLANEOUS

Status

- 33 (1) The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) Property of the Authority shall not be regarded as property of or held on behalf of the Crown.
- (3) Membership of or employment by the Authority is not employment in the civil service of the State.

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Commencement Information

I33 Sch. 4 para. 33 in force at 1.7.2004 by S.I. 2004/1572, art. 3(iii)

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