
STATUTORY INSTRUMENTS

1992 No. 364

TRANSPORT

**The British Transport Police Force
Scheme 1963 (Amendment) Order 1992**

Made - - - - 24th February 1992
Laid before Parliament 2nd March 1992
Coming into force - - 23rd March 1992

Whereas the British Railways Board have applied to the Secretary of State for Transport and have satisfied him that the British Transport Police Force Scheme 1963⁽¹⁾ should be amended in accordance with the provisions of this Order;

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by subsections (7) and (8) of section 69 of the Transport Act 1962⁽²⁾ and now vested in him⁽³⁾, and after consulting the other Boards in accordance with the said subsection (7), hereby makes the following Order:—

1. This Order may be cited as the British Transport Police Force Scheme 1963 (Amendment) Order 1992 and shall come into force on 23rd March 1992.

2. The British Transport Police Force Scheme 1963 shall have effect subject to the amendments set out in the First Schedule to this Order.

3. The British Transport Police Force Scheme 1963, as amended by this Order, is set out in the Second Schedule to this Order.

24th February 1992

Malcolm Rifkind
Secretary of State for Transport

⁽¹⁾ See S.I. 1964/1456.

⁽²⁾ 1962 c. 46.

⁽³⁾ S.I. 1970/1681, 1979/571 and 1981/238.

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FIRST SCHEDULE

Article 2

AMENDMENTS OF THE 1963 SCHEME

1. In article 1—

(a) for paragraph (a) there shall be substituted the following—

“(a) In this Scheme unless the context otherwise requires:—

“the Boards” means the Railways Board and the other Boards;

“the Committee” means the British Transport Police Committee constituted under this Scheme;

“the discipline regulations” means the British Transport Police Force (Discipline) (Senior Officers) Regulations 1985 made on 19th April 1985 or any other regulations substituted therefor with the consent of the Police Complaints Authority;

“the Force” means the force of transport police organised under this scheme;

“the other Boards” means London Regional Transport and such other operators of public transport undertakings as may be authorised to request the provision of a police service for their respective undertakings by the Force or any of them as the context may require;

“the Railways Board” means the British Railways Board;

“senior officer” means the chief constable, the deputy chief constable or an assistant chief constable of the Force;

“transport police” means constables appointed or deemed to be appointed under section 53 of the British Transport Commission Act 1949(4).”;

(b) in paragraph (b), for the words “Interpretation Act, 1889,” there shall be substituted the words “Interpretation Act 1978(5)”.

2. In article 2(a), before the word “requirements”, in each place where it occurs, there shall be inserted the word “reasonable”.

3. For article 3 there shall be substituted the following article—

“3. CHIEF CONSTABLE AND OTHER SENIOR OFFICERS

(a) The chief constable of the Force shall be a person appointed to that office by the Committee.

(b) The Force shall be under the direction and control of the chief constable.

(c) The establishment of the Force shall include a person holding the rank of deputy chief constable and may include one or more persons holding the rank of assistant chief constable.

(d) The deputy chief constable shall have all the powers and duties of the chief constable:—

(i) during the absence, incapacity or suspension from duty of the chief constable; and

(ii) during any vacancy in the office of chief constable; but he shall not have power to act by virtue of this provision for any continuous period exceeding three months, except with the consent of the Committee.

(4) 1949 c.xxix; section 53 was amended in its application to England and Wales by the [British Railways Act 1978 \(c.xxi\)](#), section 25(2), and in its application to Scotland by the [British Railways Order Confirmation Act 1980 \(c.xxvii\)](#).

(5) 1978 c. 30.

- (e) Appointments or promotions to the ranks of deputy chief constable and assistant chief constable shall be made by the Committee after consultation with the chief constable.”

4. After article 3 there shall be inserted the following articles—

“3A. RETIREMENT OF SENIOR OFFICERS

- (a) Subject to the provisions of this article, and without prejudice to the discipline regulations, the Committee may call upon a senior officer to retire in the interests of efficiency but the Committee shall give the senior officer an opportunity to make representations.
- (b) Where representations are made under this article the Committee shall appoint one or more persons (who or, where more than one person is appointed, one of whom shall be a person who is not an officer of police or of a government department) to hold an inquiry and report to them and the Committee shall consider the representations and the report made under this paragraph.
- (c) The costs reasonably incurred by a senior officer in respect of an inquiry held under this article shall be re-imbursed by the Committee.
- (d) A senior officer who is called upon to retire as aforesaid shall retire on such date as the Committee may specify or on such earlier date as may be agreed upon between him and the Committee.

3B. REPORTS BY CHIEF CONSTABLE, ETC

- (a) The chief constable shall, not later than 30 June each year, submit in writing to the Committee a general report on the activities of the Force during the twelve months ending on the previous 31st March.
- (b) The chief constable shall, whenever so required by the Committee in writing, submit to the Committee a written report on such matters as may be specified in the requirement, being matters connected with the activities of the Force.
- (c) Regulation 6 of the Prosecution of Offences Regulations 1978⁽⁶⁾(which provides that chief officers of police in England and Wales shall give to the Director of Public Prosecutions information with respect to certain offences) shall apply to the chief constable as if he were a chief constable of police within the meaning of the Police Act 1964⁽⁷⁾.
- (d) In relation to police matters arising in England and Wales, the chief constable shall have regard to any guidelines relevant to such matters which may be issued from time to time by the Home Secretary, as if he were a chief officer of police within the meaning of the Police Act 1964.
- (e) In relation to police matters arising in Scotland, the chief constable shall comply or ensure compliance with any instructions, and have regard to any guidelines, relevant to such matters which may be issued from time to time by—
 - (i) the Lord Advocate;
 - (ii) the sheriff principal having jurisdiction in the place to which the matters in question relate; or
 - (iii) the appropriate prosecutor in relation to the investigation of offences in that place,

⁽⁶⁾ S.I. 1978/1357.

⁽⁷⁾ 1964 c. 48.

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as if he were a chief constable or, as the case may be, the chief constable of the police force within whose area the sheriff principal has jurisdiction, within the meaning of the Police (Scotland) Act 1967⁽⁸⁾ or the Criminal Procedure (Scotland) Act 1975⁽⁹⁾.

3C. SPECIAL CONSTABLES

- (a) Subject to and in accordance with the regulations listed in Part I of the Table to paragraph (c) below in relation to appointments in England and Wales, and subject to and in accordance with the regulations listed in Part II of that Table in relation to appointments in Scotland, the chief constable may, after consultation with the Committee, recommend such persons as he may think fit for appointment as special constables.
- (b) Subject to the said regulations so far as applicable, all special constables shall be under the direction and control of the chief constable, and may be removed from office by the chief constable.
- (c) The regulations listed in the Table to this paragraph shall have effect so far as applicable, subject to such adaptations as may be necessary for that purpose, as if special constables appointed in pursuance of this article were special constables for the purposes of those regulations.

TABLE

PART I—ENGLAND AND WALES

S.I. 1965 No. 536	The Special Constables Regulations 1965
S.I. 1968 No. 899	The Special Constables (Amendment) Regulations 1968

PART II—SCOTLAND

S.I. 1966 No. 97 (S.7)	The Police (Special Constables) (Scotland) Regulations 1966 ⁷
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5. In article 4—

- (a) in paragraph (b) for the word “four”, there shall be substituted the words “not more than six”.
- (b) for paragraph (c) there shall be substituted the following paragraphs—
 - “(c) The terms of appointment of each member of the Committee shall be such as shall be agreed between the represented Boards.
 - (ca) Of the members to be appointed by the Railways Board—
 - (i) at least one shall be appointed after consultation with the other represented Boards from among persons who have had wide experience of, or who have shown capacity in, the control or administration of police; and
 - (ii) one other shall be appointed after consultation with the Central Transport Consultative Committee from among persons who have had wide experience of the interests and concerns of users of railway services and facilities.”
- (c) after paragraph (e), there shall be inserted the following paragraph:—

⁽⁸⁾ 1967 c. 77.

⁽⁹⁾ 1975 c. 21.

- “(ea) In the event that a member of the Committee is prevented by exceptional circumstances from attending a meeting of the Committee, his place may be filled by a deputy who shall previously have been nominated, and whose nomination shall have been notified to the Committee, for that purpose by the Board who appointed that member.”
- (d) In paragraph (f), the words in brackets shall be omitted.
- (e) in paragraph (g)(i), for the words “agreed between the represented Boards” there shall be substituted the words “determined by the Committee, following consultation with the represented Boards.”
- (f) after paragraph (g)(i), there shall be inserted the following sub-paragraphs:—
- “(ia) to secure the maintenance of an adequate and efficient police service by the Force for the areas within the jurisdiction of the Force defined in section 53(1) of the British Transport Commission Act 1949;
- (ib) to determine the number of persons of each rank in the Force which is to constitute the establishment of the force;
- (ic) to provide and maintain such buildings, structures, premises, vehicles, apparatus, clothing and other equipment as may be required for the purposes of the Force;”
- (g) in paragraph (g)(iii), the words “as amended by section 70 of the Transport Act, 1962” shall be omitted.
- (h) after paragraph (h), there shall be inserted the following paragraphs:—
- “(i) the Railways Board shall appoint a secretary to the Committee.
- (j) the Committee may appoint such civilian staff to assist the Force as they may determine.”

SECOND SCHEDULE

Article 3

THE 1963 SCHEME, AS AMENDED BRITISH TRANSPORT POLICE FORCE SCHEME 1963 TRANSPORT ACT 1962 SCHEME

prepared by the British Railways Board (after consulting the London Transport Board, the British Transport Docks Board and the British Waterways Board) and submitted to the Minister of Transport for his approval in accordance with Section 69(1) of the Transport Act, 1962.

1 DEFINITIONS

- (a) (a) In this Scheme unless the context otherwise requires:—
- “the Boards” means the Railways Board and the other Boards;
- “the Committee” means the British Transport Police Committee constituted under this Scheme;
- “the discipline regulations” means the British Transport Police Force (Discipline) (Senior Officers) Regulations 1985 made on 19th April 1985 or any other regulations substituted therefor with the consent of the Police Complaints Authority;
- “the Force” means the force of transport police organised under this Scheme;
- “the other Boards” means London Regional Transport and such other operators of public transport undertakings as may be authorised to request the provision of a

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police service for their respective undertakings by the Force or any of them as the context may require;

“the Railways Board” means the British Railways Board;

“senior officer” means the chief constable, the deputy chief constable or an assistant chief constable of the Force;

“transport police” means constables appointed or deemed to be appointed under section 53 of the British Transport Commission Act 1949.

- (b) The Interpretation Act 1978 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

2 BRITISH TRANSPORT POLICE FORCE

- (a) (a) The transport police shall be organised in a single force for the Railways Board but the services of the Force shall subject to the provisions of this Scheme be made available by the Railways Board to meet the reasonable requirements (if any) of the other Boards and the Railways Board shall use their best endeavours to meet the reasonable requirements of those Boards.
- (b) The Force shall be known as “The British Transport Police Force”.
- (c) Subject to the provisions of this Scheme all transport police hereafter appointed shall be appointed and employed by the Railways Board and all transport police now appointed shall continue to be employed by the Railways Board.
- (d) The property and rights and liabilities which vested in the Railways Board under Section 31(2) of the Transport Act 1962 as being comprised in that part of the undertaking of the British Transport Commission which constituted the British Transport Commission Police Force shall so far as the same are still vested in the Railways Board continue to be so vested but the Railways Board and each of the other Boards may from time to time enter into agreements for the transfer to such other Board of any of the said property in any case where in the opinion of the Boards concerned such transfer is necessary or convenient for the purposes of this Scheme.

3 CHIEF CONSTABLE AND OTHER SENIOR OFFICERS

- (a) (a) The chief constable of the Force shall be a person appointed to that office by the Committee.
- (b) The Force shall be under the direction and control of the chief constable.
- (c) The establishment of the Force shall include a person holding the rank of deputy chief constable and may include one or more persons holding the rank of assistant chief constable.
- (d) The deputy chief constable shall have all the powers and duties of the chief constable:—
- (i) during the absence, incapacity or suspension from duty of the chief constable; and
 - (ii) during any vacancy in the office of chief constable;
- but he shall not have power to act by virtue of this provision for any continuous period exceeding three months, except with the consent of the Committee.
- (e) Appointments or promotions to the ranks of deputy chief constable and assistant chief constable shall be made by the Committee after consultation with the chief constable.

3A RETIREMENT OF SENIOR OFFICERS

- (a) (a) Subject to the provisions of this article, and without prejudice to the discipline regulations, the Committee may call upon a senior officer to retire in the interests of efficiency but the Committee shall give the senior officer an opportunity to make representations.
- (b) Where representations are made under this article the Committee shall appoint one or more persons (who or, where more than one person is appointed, one of whom shall be a person who is not an officer of police or of a government department) to hold an inquiry and report to them and the Committee shall consider the representations and the report made under this paragraph.
- (c) The costs reasonably incurred by a senior officer in respect of an inquiry held under this article shall be re-imbursed by the Committee.
- (d) A senior officer who is called upon to retire as aforesaid shall retire on such date as the Committee may specify or on such earlier date as may be agreed upon between him and the Committee.

3B REPORTS BY CHIEF CONSTABLE, ETC

- (a) (a) The chief constable shall, not later than 30 June each year, submit in writing to the Committee a general report on the activities of the Force during the twelve months ending on the previous 31st March.
- (b) The chief constable shall, whenever so required by the Committee in writing, submit to the Committee a written report on such matters as may be specified in the requirement, being matters connected with the activities of the Force.
- (c) Regulation 6 of the Prosecution of Offences Regulations 1978 (which provides that chief officers of police in England and Wales shall give to the Director of Public Prosecutions information with respect to certain offences) shall apply to the chief constable as if he were a chief constable of police within the meaning of the Police Act 1964.
- (d) In relation to police matters arising in England and Wales, the chief constable shall have regard to any guidelines relevant to such matters which may be issued from time to time by the Home Secretary, as if he were a chief officer of police within the meaning of the Police Act 1964.
- (e) In relation to police matters arising in Scotland, the chief constable shall comply or ensure compliance with any instructions, and have regard to any guidelines, relevant to such matters which may be issued from time to time by—
 - (i) the Lord Advocate;
 - (ii) the sheriff principal having jurisdiction in the place to which the matters in question relate; or
 - (iii) the appropriate prosecutor in relation to the investigation of offences in that place, as if he were a chief constable or, as the case may be, the chief constable of the police force within whose area the sheriff principal has jurisdiction, within the meaning of the Police (Scotland) Act 1967 or the Criminal Procedure (Scotland) Act 1975.

3C SPECIAL CONSTABLES

- (a) (a) Subject to and in accordance with the regulations listed in Part I of the Table to paragraph (c) below in relation to appointments in England and Wales, and subject to and in accordance with the regulations listed in Part II of that Table in relation to appointments

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in Scotland, the chief constable may, after consultation with the Committee, recommend such persons as he may think fit for appointment as special constables.

- (b) Subject to the said regulations so far as applicable, all special constables shall be under the direction and control of the chief constable, and may be removed from office by the chief constable.
- (c) The regulations listed in the Table to this paragraph shall have effect so far as applicable, subject to such adaptations as may be necessary for that purpose, as if special constables appointed in pursuance of this article were special constables for the purposes of those regulations.

table

PART I—ENGLAND AND WALES

S.I. 1965 No. 536	The Special Constables Regulations 1965
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PART II—SCOTLAND

S.I. 1966 No. 97 (S.7)	The Police (Special Constables) (Scotland) Regulations 1966
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4 BRITISH TRANSPORT POLICE COMMITTEE

- (a) (a) There shall be a committee (to be known as “the British Transport Police Committee”) to whom the Chief Constable shall be responsible for the administration of the Force in accordance with the directions from time to time given to him by the Committee.
- (b) The Committee shall consist of a Chairman appointed by the Railways Board and not more than six other members appointed by that Board and one member each appointed by such of the other Boards requiring the services of the Force to be made available to them under this Scheme as may from time to time wish to appoint a member thereto. The Railways Board and such other Boards are in this Clause hereinafter collectively referred to as “the represented Boards”.
- (c) The terms of appointment of each member of the Committee shall be such as shall be agreed between the represented Boards.
- (ca) Of the members to be appointed by the Railways Board—
 - (i) at least one shall be appointed after consultation with the other represented Boards from among persons who have had wide experience of, or who have shown capacity in, the control or administration of police; and
 - (ii) one other shall be appointed after consultation with the Central Transport Consultative Committee from among persons who have had wide experience of the interests and concerns of users of railway services and facilities.
- (d) A member of the Committee shall hold office in accordance with the terms of his appointment and may at any time resign his membership by notice to the Board which appointed him and each of the represented Boards may (unless the terms of appointment otherwise provide) at any time remove any member appointed by that Board by notice to such member.
- (e) The Committee may act notwithstanding a vacancy among its members.

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- (ea) In the event that a member of the Committee is prevented by exceptional circumstances from attending a meeting of the Committee, his place may be filled by a deputy who shall previously have been nominated, and whose nomination shall have been notified to the Committee, for that purpose by the Board who appointed that member.
- (f) The quorum of the Committee shall be four and subject thereto the Committee shall determine its own procedure.
- (g) It shall be the duty of the Committee—
 - (i) to supervise the administration of the Force by the Chief Constable on such lines as may from time to time be determined by the Committee, following consultation with the represented Boards, and to give to him all such directions as may from time to time be necessary for that purpose;
 - (ia) to secure the maintenance of an adequate and efficient police service by the Force for the areas within the jurisdiction of the Force defined in section 53(1) of the British Transport Commission Act 1949;
 - (ib) to determine the number of persons of each rank in the force which is to constitute the establishment of the force;
 - (ic) to provide and maintain such buildings, structures, premises, vehicles, apparatus, clothing and other equipment as may be required for the purposes of the Force;
 - (ii) to make recommendations to the represented Boards in respect of any matter relating to the Force;
 - (iii) to exercise on behalf and in the name of the Railways Board the powers of the Railways Board under section 53 of the British Transport Commission Act 1949; and
 - (iv) to do on behalf and in the name of the Railways Board all other things which may be necessary for performing their functions under this Scheme.
- (h) Notice of every decision of the Committee with respect to any matter relating to the Force shall be sent to each of the represented Boards who shall be deemed to have approved such decision unless they signify in writing to the Committee and all other represented Boards within seven days of receipt of such notice that they object thereto, and the Committee and the represented Boards shall give effect to any decision of the Committee which is approved or deemed to be approved as aforesaid. Effect shall not be given to any decision to which a represented Board have objected, unless the objection is withdrawn, but any represented Board may apply to the Minister after notice to the others for a determination of any matter arising out of the objection and the Committee and the represented Boards shall give effect to such determination.
- (i) The Railways Board shall appoint a secretary to the Committee.
- (j) The Committee may appoint such civilian staff to assist the Force as they may determine.

5 EXPENSES OF FORCE

5. All expenses relating to the Force shall be borne by the Railways Board but the other Boards shall make such contribution towards those expenses as may be agreed between the Boards from time to time and the Railways Board shall be entitled to recover from the other Boards the amounts of their respective contributions.

6 SETTLEMENT OF DISPUTES

6. If the Boards or the represented Boards (as the case may be) fail to agree upon any matter which is expressed in this Scheme to be the subject of agreement between them the matter shall be

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determined by the Minister upon the application of any of them after notice to the others and effect shall be given to such determination.

7 CITATION ETC.

7. This Scheme may be cited as “the British Transport Police Force Scheme 1963” and shall come into operation on the first day of January 1965.

Dated this Ninth day of December 1963.

The COMMON SEAL of THE BRITISH RAILWAYS BOARD was hereunto affixed in the presence of:—



G. N. Russell
Member 2405

Ll. Wansborough-Jones
Secretary

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the British Transport Police Force Scheme 1963. The amendments are set out in the First Schedule to the Order, and their principal effects are—

- (a) to enable the British Transport Police Committee to appoint the Chief Constable of the Force, and to provide for the Force to have a deputy chief constable and one or more assistant chief constables;
- (b) to provide a procedure for the compulsory retirement of senior officers of the Force;
- (c) to provide for the Chief Constable to make annual and (if required) other reports to the Committee on the activities of the Force, and for him to have regard to or comply with instructions or guidance and similar material issued by certain authorities;
- (d) to make provision for the appointment of special constables as part of the Force; and
- (e) to provide for the Committee to have at least one member with wide experience of the interests and concerns of railway service users.

The Scheme as amended is set out in the Second Schedule to the Order.