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STATUTORY INSTRUMENTS

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**1994 No. 3262**

**The Police and Magistrates' Courts Act 1994 (Commencement  
No. 5 and Transitional Provisions) Order 1994**

**from certain local authorities**

**8.—(1)** As soon as practicable after 15th January 1995, every relevant authority and every appropriate new police authority shall use their best endeavours —

- (a) to determine which transfers (if any) of property, rights and liabilities from a relevant authority to the appropriate new police authority it is fair and reasonable to make, and
- (b) to make an agreement in writing specifying which of those transfers are to take effect under article 9 below on 1st April 1995 and which of those transfers are to take effect on such later date as may be so specified.

(2) An agreement under this article may —

- (a) indicate that there are matters specified therein about which agreement is still to be reached, or
- (b) provide for a variation in the transfer of property, rights or liabilities in circumstances specified in the agreement (where, for example, there is a change of circumstances as a result of the auditing of a relevant authority's accounts).

(3) Subject to paragraph (4) below as soon as practicable after 1st April 1995 every relevant authority and every appropriate new police authority shall use their best endeavours —

- (a) to determine whether it is fair and reasonable to make any transfer of property, rights and liabilities (other than a loan attributable to the relevant authority's functions as a police authority) from a relevant authority to the appropriate new police authority in addition to any transfer in an agreement under paragraph (1) above, and
- (b) to make an agreement in writing specifying any such transfers and the date or dates on which they are to take effect under article 9 below.

(4) A relevant authority and an appropriate new police authority may agree to delay an agreement under paragraph (3) above pending the outcome of some future event; but paragraph (3) above shall have effect after that event has taken place as if, for the reference therein to 1st April 1995, there were substituted a reference to the event.

(5) Subject to paragraph (6) below, where it has become apparent that a relevant authority and an appropriate new police authority are unable to agree about whether a transfer of property, rights and liabilities should be made —

- (a) those authorities may nominate and appoint a person to determine the dispute in accordance with article 10(1) below, or
- (b) if those authorities are unable to agree either that the dispute should be so determined or on the person to be nominated, either authority may require the Secretary of State to nominate and appoint such a person.

(6) Paragraph (5) above shall not apply where —

- (a) the relevant authority falls within sub-paragraph (a) of the definition “relevant authority” in paragraph (8) below, and
- (b) the transfer about which that authority and the appropriate new police authority are unable to agree concerns any loan attributable to the relevant authority’s police authority functions.

(7) In this article and article 10 below, references to the transfer of property, rights and liabilities mean —

- (a) the transfer from a relevant authority to an appropriate new police authority or apportionment between them of any property and rights and liabilities relating to it;
- (b) such transfer or apportionment of any other rights and liabilities (including rights and liabilities in connection with any pending legal proceedings); and
- (c) the creation of any rights and liabilities between them.

(8) In this article and articles 9 and 10 below “appropriate new police authority” means the new police authority whose police area as listed in Schedule 1A to the 1964 Act<sup>(1)</sup> includes the county of which the relevant authority is the council; and

“relevant authority” means —

- (a) the council of a county where the old police authority is a committee of that council constituted in accordance with section 2 or 3(4) of the 1964 Act;
- (b) the council of any constituent county where the old police authority is a combined police authority constituted in accordance with section 3 of the 1964 Act (other than section 3(4)). Transfer of property etc.

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<sup>(1)</sup> Schedule 1A was inserted by Schedule 1 to the 1994 Act.