

## SCHEDULES

### SCHEDULE 2

Section 4.

#### POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

##### *Membership of police authorities*

- 1 (1) Where, by virtue of section 4, a police authority is to consist of seventeen members—
- (a) nine of those members shall be members of a relevant council appointed under paragraph 2,
  - (b) five shall be persons appointed under paragraph 5, and
  - (c) three shall be magistrates appointed under paragraph 8.
- (2) Where, by virtue of an order under subsection (2) of that section, a police authority is to consist of more than seventeen members—
- (a) a number which is greater by one than the number of members provided for in paragraphs (b) and (c) below shall be members of a relevant council appointed under paragraph 2,
  - (b) such number as may be prescribed by the order, not exceeding one third of the total membership, shall be persons appointed under paragraph 5, and
  - (c) the remainder shall be magistrates appointed under paragraph 8.

##### *Appointment of members by relevant councils*

- 2 (1) In the case of a police authority in relation to which there is only one relevant council, the members of the police authority referred to in paragraph 1(1)(a) or (2)(a) shall be appointed by that council.
- (2) In any other case, those members shall be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.
- 3 The number of members of the joint committee, and the number of those members to be appointed by each relevant council, shall be such as the councils may agree or, in the absence of agreement, as may be determined by the Secretary of State.
- 4 (1) A council or joint committee shall exercise its power to appoint members of a police authority under paragraph 2 so as to ensure that, so far as practicable, the members for whose appointment it is responsible reflect—
- (a) in the case of appointments by a council, the balance of parties for the time being prevailing among the members of the council, and
  - (b) in the case of appointments by a joint committee, the balance of parties for the time being prevailing among the members of the relevant councils taken as a whole.
- (2) The members referred to in sub-paragraph (1)(a) and (b) do not include any member of a relevant council who is disqualified for being appointed as or being a member of the police authority under paragraph 12.

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*Status: This is the original version (as it was originally enacted).*

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*Appointment of independent members*

- 5 The members of a police authority referred to in paragraph 1(1)(b) or (2)(b) shall be appointed—
- (a) by the members of the police authority appointed under paragraph 2 or 8,
  - (b) from among persons on a short-list prepared by the Secretary of State in accordance with Schedule 3.
- 6 (1) Every police authority shall arrange for a notice stating—
- (a) the name of each of its members appointed under paragraph 5, and
  - (b) such other information relating to him as the authority considers appropriate, to be published in such manner as appears to it to be appropriate.
- (2) A police authority shall send to the Secretary of State a copy of any notice which it has arranged to be published under sub-paragraph (1).

*Appointment of magistrates*

- 7 The members of a police authority referred to in paragraph 1(1)(c) or (2)(c)—
- (a) must be magistrates for an area all or part of which constitutes or forms part of the authority's area, and
  - (b) shall be appointed in accordance with paragraph 8;
- and in that paragraph references to a panel are references to a selection panel constituted under regulations made in accordance with section 21(1A) of the Justices of the Peace Act 1979.
- 8 (1) Where there is a panel for an area which constitutes or includes the police authority's area, that panel shall make the appointment.
- (2) Where the area of more than one panel falls wholly or partly within the police authority's area, the appointment shall be made by a joint committee consisting of representatives from the panels concerned.
- (3) The number of members of a joint committee, and the number of those members to be appointed by each panel, shall be such as the panels may agree or, in the absence of agreement, as may be determined by the Lord Chancellor.

*Chairman*

- 9 (1) A police authority shall at each annual meeting appoint a chairman from among its members.
- (2) The appointment under sub-paragraph (1) shall be the first business transacted at the meeting.
- (3) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made—
- (a) at the next meeting of the authority (other than an extraordinary meeting), or
  - (b) if that meeting is held within fourteen days after the date on which the vacancy occurs and is not an annual meeting, not later than the next following meeting.

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### *Disqualification*

- 10 A person shall be disqualified for being appointed as a member of a police authority if he has attained the age of seventy years.
- 11 (1) Subject to sub-paragraphs (3) and (4), a person shall be disqualified for being appointed as or being a member of a police authority if—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the police authority or any committee or sub-committee of the authority, or by a joint committee on which the authority is represented, or by any person holding any such office or employment;
  - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (c) he is subject to a disqualification order under the Company Directors Disqualification Act 1986, or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); or
  - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee on which the authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified for being appointed as or being a member of that other police authority.
- (3) Where a person is disqualified under sub-paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and
  - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (4) Where a person is disqualified under sub-paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (5) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- 12 Without prejudice to paragraphs 10 and 11, a member of a relevant council shall be disqualified for being appointed as or being a member of a police authority under paragraph 2 if he was elected for an electoral division or ward wholly within the metropolitan police district.

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- 13 (1) Without prejudice to paragraphs 10 and 11, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 if—
- (a) he has not yet attained the age of twenty-one years, or
  - (b) neither his principal or only place of work, nor his principal or only place of residence, has been in the area of the authority during the whole of the period of twelve months ending with the day of appointment.
- (2) Without prejudice to paragraphs 10 and 11, a person shall be disqualified for being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that area.
- 14 (1) Without prejudice to paragraphs 10 and 11, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5, and for being a member so appointed, if he is—
- (a) a member of the council for a county, district, county borough or London borough which is wholly or partly within the area of the police authority;
  - (b) a magistrate eligible for appointment to the police authority under paragraph 8;
  - (c) a member of the selection panel for the police authority's area established under Schedule 3;
  - (d) a member of a police force;
  - (e) an officer or employee of a police authority; or
  - (f) an officer or employee of a relevant council.
- (2) A person shall not be regarded for the purposes of sub-paragraph (1)(f) as an employee of a relevant council by reason of his holding—
- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
  - (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

#### *Tenure of office*

- 15 Subject to the following paragraphs (and to the provisions of any order under section 4(2)) a person shall hold and vacate office as a member of a police authority in accordance with the terms of his appointment.
- 16 (1) A person shall be appointed to hold office as a member for—
- (a) a term of four years or a term expiring on his attaining the age of seventy years, whichever is the shorter, or
  - (b) such shorter term as the body appointing him may determine in any particular case.
- (2) A person shall not, by virtue of sub-paragraph (1)(b), be appointed under paragraph 5 for a term shorter than four years without the approval of the Secretary of State.
- 17 (1) A person may at any time resign his office as a member, or as chairman, by notice in writing to the police authority.
- (2) Where a member appointed under paragraph 5 resigns his office as a member under sub-paragraph (1) of this paragraph, he shall send a copy of the notice to the Secretary of State.

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- 18 (1) A member of a relevant council appointed to be a member of a police authority under paragraph 2 shall cease to be a member of the authority if he ceases to be a member of the council (and does not on the same day again become a member of the council).
- (2) A magistrate appointed to be a member of a police authority under paragraph 8 shall cease to be a member of the authority if he ceases to be a magistrate for an area all or part of which constitutes or forms part of the authority's area.
- 19 (1) A police authority may remove a member from office by notice in writing if—
- (a) he has been absent from meetings of the police authority for a period longer than three consecutive months without the consent of the authority,
  - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 11),
  - (c) the police authority is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the police authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) Where a police authority removes a member under sub-paragraph (1), it shall give notice of that fact—
- (a) in the case of a member appointed under paragraph 2 or 8, to the body which appointed him, and
  - (b) in the case of a member appointed under paragraph 5, to the Secretary of State.
- 20 A council or joint committee may remove from office a member of a police authority appointed by it under paragraph 2 with a view to appointing another in his place if it considers that to do so would further the object provided for by paragraph 4.
- 21 If a chairman of a police authority ceases to be a member, he shall also cease to be chairman.

#### *Eligibility for re-appointment*

- 22 A person who ceases to be a member, otherwise than by virtue of paragraph 19, or ceases to be chairman, may (if otherwise eligible) be re-appointed.

#### *Validity of acts*

- 23 The acts and proceedings of any person appointed to be a member or chairman of a police authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- 24 The proceedings of a police authority shall not be invalidated by a vacancy in the membership of the authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

#### *Allowances*

- 25 (1) A police authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may, with the approval of the Treasury, determine.

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- (2) Payments made under sub-paragraph (1) may differ according to whether the recipient is a chairman or other member or was appointed under paragraph 2, 5 or 8.

*Interpretation*

- 26 (1) For the purposes of this Schedule, a council is a “relevant council” in relation to a police authority if—
- (a) it is the council for a county, district, county borough or London borough which constitutes, or is wholly within, the authority’s police area, and
  - (b) in the case of a district council, the district is not in a county having a county council within paragraph (a).
- (2) In determining for the purposes of sub-paragraph (1) whether a county or district is wholly within a police area, any part of the county or district which is within the metropolitan police district shall be disregarded.
- 27 In this Schedule “magistrate” has the same meaning as in the Justices of the Peace Act 1979.