

## SCHEDULES

### SCHEDULE 1

Section 1.

#### POLICE AREAS

<i>Name of police area</i>	<i>Extent</i>
<b>England (except London)</b>	
Avon and Somerset	The county of Somerset and the non-metropolitan districts of Bath and North East Somerset, Bristol, North West Somerset and South Gloucestershire
Bedfordshire	The county of Bedfordshire and the non-metropolitan district of Luton
Cambridgeshire	The county of Cambridgeshire
Cheshire	The county of Cheshire
Cleveland	The non-metropolitan districts of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees
Cumbria	The county of Cumbria
Derbyshire	The county of Derbyshire and the non-metropolitan district of Derby
Devon and Cornwall	The counties of Devon and Cornwall and the Isles of Scilly
Dorset	The county of Dorset and the non-metropolitan districts of Bournemouth and Poole
Durham	The county of Durham and the non-metropolitan district of Darlington
Essex	The county of Essex
Gloucestershire	The county of Gloucestershire
Greater Manchester	The metropolitan districts of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan
Hampshire	The counties of Hampshire and Isle of Wight and the non-metropolitan districts of Portsmouth and Southampton
Hertfordshire	The county of Hertfordshire

*Status: This is the original version (as it was originally enacted).*

<i>Name of police area</i>	<i>Extent</i>
Humberside	The non-metropolitan districts of the East Riding of Yorkshire, Kingston upon Hull, North East Lincolnshire and North Lincolnshire
Kent	The county of Kent
Lancashire	The county of Lancashire
Leicestershire	The county of Leicestershire and the non-metropolitan districts of Leicester and Rutland
Lincolnshire	The county of Lincolnshire
Merseyside	The metropolitan districts of Knowsley, Liverpool, St. Helens, Sefton and Wirral
Norfolk	The county of Norfolk
Northamptonshire	The county of Northamptonshire
Northumbria	The county of Northumberland and the metropolitan districts of Gateshead, Newcastle upon Tyne, North Tyneside, South Tyneside and Sunderland
North Yorkshire	The county of North Yorkshire and the non-metropolitan district of York
Nottinghamshire	The county of Nottinghamshire
South Yorkshire	The metropolitan districts of Barnsley, Doncaster, Rotherham and Sheffield
Staffordshire	The county of Staffordshire and the non-metropolitan district of Stoke-on-Trent
Suffolk	The county of Suffolk
Surrey	The county of Surrey
Sussex	The counties of East Sussex and West Sussex and the non-metropolitan district of Brighton and Hove
Thames Valley	The counties of Berkshire, Buckinghamshire and Oxfordshire and the non-metropolitan district of Milton Keynes
Warwickshire	The county of Warwickshire
West Mercia	The counties of Hereford and Worcester and Shropshire
West Midlands	The metropolitan districts of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton
West Yorkshire	The metropolitan districts of Bradford, Calderdale, Kirklees, Leeds and Wakefield

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<i>Name of police area</i>	<i>Extent</i>
Wiltshire	The county of Wiltshire and the non-metropolitan district of Thamesdown
<b>Wales</b>	
Dyfed Powys	The counties of Cardiganshire, Carmarthenshire, Pembrokeshire and Powys
Gwent	The county of Monmouthshire and the county boroughs of Blaenau Gwent, Caerphilly, Newport and Torfaen
North Wales	The counties of Anglesey, Caernarfonshire and Merionethshire, Denbighshire and Flintshire and the county boroughs of Aberconwy and Colwyn and Wrexham
South Wales	The counties of Cardiff and Swansea and the county boroughs of Bridgend, Merthyr Tydfil, Neath and Port Talbot, Rhondda, Cynon, Taff and the Vale of Glamorgan

## 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.

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- 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.

*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.

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### *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.

### *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.

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- (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.
- 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.

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### *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.
- 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.

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*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.
- (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.

SCHEDULE 3

Section 4.

POLICE AUTHORITIES: SELECTION OF INDEPENDENT MEMBERS

*Selection panels*

- 1 (1) There shall be a selection panel for each police area for the time being listed in Schedule 1.
- (2) Each selection panel shall consist of three members, one of whom shall be appointed by each of the following—
- (a) the designated members of the police authority for the area;
  - (b) the Secretary of State;



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- (c) the two members of the panel appointed by virtue of paragraphs (a) and (b).
- (3) A designated member may be appointed as a member of a selection panel by virtue of paragraph (a) (but not paragraph (b) or (c)) of sub-paragraph (2).
- (4) In this Schedule “designated member” means a member appointed under paragraph 2 or 8 of Schedule 2.
- 2 A person shall be disqualified for being appointed as or being a member of a selection panel if, by virtue of paragraph 10, 11, 13 or 14(1)(d) to (f) of Schedule 2, he is disqualified—
- (a) for being appointed under paragraph 5 of that Schedule as a member of the police authority for the panel’s area, or
- (b) for being a member so appointed.
- 3 (1) A person shall be appointed to hold office as a member of a selection panel for a term of two years, or for a term expiring on his attaining seventy years of age, whichever is the shorter.
- (2) A person may at any time resign his office as a member by notice in writing to the persons who under paragraph 1 would be required to appoint his successor.
- (3) A person shall not cease to be a member by reason only that any of the persons appointing him cease to hold the positions by virtue of which they appointed him.
- 4 A member of a selection panel may be removed from office by notice in writing by the persons who, under paragraph 1, would be required to appoint his successor (“the appointer”) if—
- (a) the member has been absent from two consecutive meetings of the selection panel without the consent of the panel,
- (b) the member has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 2),
- (c) the appointer is satisfied that the member is incapacitated by physical or mental illness, or
- (d) the appointer is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- 5 A person who ceases to be a member of a selection panel, otherwise than by virtue of paragraph 4, may (if otherwise eligible) be re-appointed.
- 6 (1) The acts and proceedings of any person appointed to be a member of a selection panel and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- (2) Subject to the provisions of any regulations made under paragraph 11, the proceedings of a selection panel shall not be invalidated by—
- (a) a vacancy in the membership of the panel, or
- (b) a defect in the appointment of a person as a member.
- 7 (1) A police authority shall make to members of the selection panel for the authority’s area such payments by way of reimbursement of expenses and allowances as it may determine.
- (2) A police authority shall—

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- (a) provide the selection panel for the authority's area with such accommodation, and such secretarial and other assistance, as they may reasonably require, and
- (b) meet any expenses incurred by the panel in the exercise of their functions.

*Functions of selection panel*

- 8 (1) Where appointments to a police authority are to be made under paragraph 5 of Schedule 2, the selection panel for the authority's area shall nominate persons willing to be candidates for appointment.
- (2) Unless the selection panel are able to identify only a smaller number, the number of persons to be nominated by a selection panel under this paragraph on any occasion shall be a number four times greater than the number of appointments to be made under paragraph 5 of Schedule 2.
- (3) A selection panel shall notify the Secretary of State of—
- (a) the name of each person nominated by it under this paragraph, and
  - (b) such other information regarding those persons as it considers appropriate.
- 9 A person shall not be nominated under paragraph 8 in relation to an authority if, by virtue of paragraph 10, 11, 13 or 14 of Schedule 2, he is disqualified for being appointed as a member of the authority under paragraph 5 of that Schedule.
- 10 In exercising their functions a selection panel shall have regard to the desirability of ensuring that, so far as reasonably practicable, the persons nominated by them under paragraph 8—
- (a) represent the interests of a wide range of people within the community in the police area, and
  - (b) include persons with skills, knowledge or experience in such fields as may be specified for the purposes of this paragraph in regulations made under paragraph 11.
- 11 (1) The Secretary of State may make regulations as to—
- (a) the procedures to be followed in relation to the selection of persons for nomination under paragraph 8, and
  - (b) the conduct of the proceedings of selection panels.
- (2) Without prejudice to the generality of sub-paragraph (1), regulations under this paragraph may—
- (a) make provision (including provision imposing time limits) as to the procedures to be adopted when inviting applications or suggestions for nomination under paragraph 8, and for dealing with applications and suggestions received;
  - (b) make provision specifying the fields referred to in paragraph 10;
  - (c) prescribe matters, in addition to those mentioned in paragraph 10, to which a selection panel is to have regard in carrying out any of its functions;
  - (d) provide for decisions of a selection panel to be taken by a majority of the members.
- (3) Regulations under this paragraph may make different provision for different cases and circumstances.

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- (4) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Secretary of State's short-list*

- 12 (1) Where the Secretary of State receives a notice under paragraph 8(3), he shall as soon as practicable prepare a short-list of candidates and send it to the police authority concerned.
- (2) Subject to paragraph 13, the candidates on the short-list prepared by the Secretary of State shall be persons nominated by the selection panel, and their number shall be one half of the number of those persons.
- (3) Where the number of persons nominated by the panel is an odd number, the number to be short-listed by the Secretary of State shall be one half of the number nominated reduced by one.
- 13 (1) This paragraph has effect where the number of persons nominated by the selection panel is less than twice the number of vacancies to be filled by appointments under paragraph 5 of Schedule 2.
- (2) The Secretary of State may himself nominate such number of candidates as, when added to the number nominated by the selection panel, equals twice the number of vacancies; and if he does so, paragraph 12 shall have effect as if the selection panel had nominated the Secretary of State's nominees as well as their own.
- 14 The Secretary of State shall give to the designated members any information regarding the persons on his short-list which they request and which he has received under paragraph 8.

SCHEDULE 4

Section 29.

FORM OF DECLARATION

I, ..... of ..... do solemnly and sincerely declare and affirm that I will well and truly serve Our Sovereign Lady the Queen in the office of constable, without favour or affection, malice or ill will; and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; 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.

SCHEDULE 5

Section 66.

THE POLICE COMPLAINTS AUTHORITY

*Constitution of Authority*

- 1 (1) The Police Complaints Authority shall consist of a chairman and not less than eight other members.
- (2) The chairman shall be appointed by Her Majesty.

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- (3) The other members shall be appointed by the Secretary of State.
- (4) The members of the Authority shall not include any person who is or has been a constable in any part of the United Kingdom.
- (5) Persons may be appointed as whole-time or part-time members of the Authority.
- (6) The Secretary of State may appoint not more than two of the members of the Authority to be deputy chairmen.

#### *Status of Authority*

- 2       The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Authority's property shall not be regarded as property of or property held on behalf of the Crown.

#### *Members*

- 3       (1) Subject to the following provisions of this Schedule, a person shall hold an office to which he is appointed under paragraph 1(2), (3) or (6) in accordance with the terms of his appointment.
- (2) A person shall not be appointed to such an office for more than three years at a time.
- (3) A person may at any time resign such an office.
- (4) The Secretary of State may at any time remove a person from such an office if satisfied that—
  - (a) he has without reasonable excuse failed to carry out his duties for a continuous period of three months beginning not earlier than six months before that time;
  - (b) he has been convicted of a criminal offence;
  - (c) he has become bankrupt or made an arrangement with his creditors;
  - (d) he is incapacitated by physical or mental illness;
  - (e) he has acted improperly in relation to his duties; or
  - (f) he is otherwise unable or unfit to perform his duties.

- 4       The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of persons appointed to office under paragraph 1(2), (3) or (6) or any of them as he may, with the consent of the Treasury, determine.

- 5       Where a person ceases to hold such an office otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may, with the consent of the Treasury, direct the Authority to make to the person a payment of such amount as the Secretary of State may, with the consent of the Treasury, determine.

#### *Staff*

- 6       The Authority may, after consultation with the Secretary of State, appoint such officers and servants as appear to the Authority to be appropriate, subject to the

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approval of the Treasury as to numbers and as to remuneration and other terms and conditions of service.

- 7 Where a person who is employed by the Authority and is by reference to that employment a participant in a scheme under section 1 of the Superannuation Act 1972 is appointed to an office under paragraph 1(2), (3) or (6), the Treasury may determine that his service in that office shall be treated for the purposes of the scheme as service as an employee of the Authority; and his rights under the scheme shall not be affected by paragraph 4.
- 8 The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Authority.

#### *Power of Authority to set up regional offices*

- 9 (1) If it appears to the Authority that it is necessary to do so in order to discharge their duties efficiently, the Authority may, with the consent of the Secretary of State and the Treasury, set up a regional office in any place in England and Wales.
- (2) The Authority may delegate any of their functions to a regional office.

#### *Proceedings*

- 10 (1) Subject to the provisions of Chapter I of Part IV and section 87, the arrangements for the proceedings of the Authority (including the quorum for meetings) shall be such as the Authority may determine.
- (2) The arrangements may, with the approval of the Secretary of State, provide for the discharge, under the general direction of the Authority, of any of the Authority's functions by a committee or by one or more of the members, officers or servants of the Authority.
- 11 The validity of any proceedings of the Authority shall not be affected by—
- (a) any defect in the appointment of the chairman or any other member, or
  - (b) any vacancy in the office of chairman or among the other members.

#### *Finance*

- 12 The Secretary of State—
- (a) shall pay to the Authority expenses incurred or to be incurred by the Authority under paragraphs 5 and 6, and
  - (b) shall, with the consent of the Treasury, pay to the Authority such sums as appear to the Secretary of State to be appropriate for enabling the Authority to meet other expenses.
- 13 (1) The Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts,
  - (b) prepare in respect of each financial year of the Authority a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, direct, and
  - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.

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- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before Parliament.
- (3) The financial year of the Authority shall be the twelve months ending on 31st March.

## SCHEDULE 6

Section 85.

### APPEALS TO POLICE APPEALS TRIBUNALS

#### *Police appeals tribunals*

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
- (a) one shall be a person chosen from a list of persons who have a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 and have been nominated by the Lord Chancellor for the purposes of this Schedule,
  - (b) one shall be a member of a police authority, other than the relevant police authority, and
  - (c) one shall be a person who—
    - (i) is (or has within the previous five years been) an Inspector of Constabulary, or
    - (ii) has within the previous five years been (and is no longer) the Commissioner of Police of the Metropolis.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.
- 2 (1) In the case of an appeal by a member of a police force who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
- (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a),
  - (b) one shall be a member of the authority or, where the authority is the Secretary of State, a person nominated by him,
  - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief officers of police, other than a person who is (or has at any time been) the chief officer of police of the force maintained by the relevant police authority, and
  - (d) one shall be a retired officer of appropriate rank.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.

#### *Notice of appeal*

- 3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules made under section 85.

*Respondent*

- 4 On any appeal the respondent shall be such person as may be prescribed by rules made under section 85.

*Casting vote*

- 5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

*Hearing*

- 6 (1) A police appeals tribunal may determine a case without a hearing but shall not decide to do so unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (2) Where a hearing is held, the appellant shall have the right to appear by a serving member of a police force or by counsel or a solicitor; and the respondent shall have the right to appear by an officer of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.

*Effect of orders*

- 7 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.
- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in his rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

*Remuneration and expenses*

- 8 Members of a police appeals tribunal shall be—
- (a) paid such remuneration, and
  - (b) reimbursed for such expenses,
- as the Secretary of State may determine.

*Costs*

- 9 (1) An appellant shall pay the whole of his own costs unless the police appeals tribunal directs that the whole or any part of his costs are to be defrayed out of the police fund of the relevant police authority.

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

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- (2) Subject to sub-paragraph (1), all the costs and expenses of an appeal under section 85, including the costs of the respondent and any remuneration or expenses paid by virtue of paragraph 8, shall be defrayed out of the police fund of the relevant police authority.

### *Interpretation*

10 In this Schedule—

- (a) “senior officer” means a member of a police force holding a rank above that of superintendent,
- (b) “relevant police authority” means the police authority which maintains the police force of which the appellant is a member, and
- (c) “retired officer of appropriate rank” means—
  - (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired member of a police force who at the time of his retirement was of that rank, and
  - (ii) in any other case a retired member of a police force who at the time of his retirement was of the rank of chief inspector or below.

## SCHEDULE 7

Section 103.

### CONSEQUENTIAL AMENDMENTS

#### PART I

#### REFERENCES TO POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3 OF POLICE ACT 1964

- 1 (1) In the provisions referred to in sub-paragraph (2), for “section 3 of the Police Act 1964”, in each place where it occurs, there shall be substituted “section 3 of the Police Act 1996”.
- (2) The provisions referred to in sub-paragraph (1) are—
- (a) section 11(4)(a) of, and paragraph 9(d) of Part II of Schedule 1 to, the Trustee Investments Act 1961;
  - (b) sections 2(6) and 8(1) of the Local Government (Records) Act 1962;
  - (c) section 11(2) of the Local Government Act 1966;
  - (d) section 28(5)(a) of the Leasehold Reform Act 1967;
  - (e) section 1(3) of the Local Government Grants (Social Need) Act 1969;
  - (f) section 7(1AA) of the Post Office Act 1969;
  - (g) the definition of “public body” in section 1(4) of the Local Authorities (Goods and Services) Act 1970;
  - (h) sections 98(1A), 99, 100J(1)(e) and (4)(a), 146A(1) and (1A), 223(2), 228(7A), 229(8), 231(4), 232(1A), 233(11) and 234(4) of, and paragraphs 6A(1), 6B(b) and 46 of Schedule 12 to, the Local Government Act 1972;
  - (i) section 13(7)(f) of the Employment Agencies Act 1973;
  - (j) section 25(1)(ca) of the Local Government Act 1974;



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

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- (k) paragraph (a) of the definition of “local authority” in section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976;
- (l) section 71 of the Race Relations Act 1976;
- (m) section 5(3)(baa) of the Rent (Agriculture) Act 1976;
- (n) section 14(caa) of the Rent Act 1977;
- (o) section 64(6) of the Justices of the Peace Act 1979;
- (p) paragraphs (a)(i) and (aa) of the definition of “local authority” in section 20(1) of the Local Government, Planning and Land Act 1980 and section 99(4)(dc) of, and paragraph 5C of Schedule 16 to, that Act;
- (q) paragraphs (a) and (b) of the definition of “local authority” in section 17(4) of the Acquisition of Land Act 1981;
- (r) section 33(9)(a) of, and paragraph (ca) of the definition of “local authority” in section 41(13) of, the Local Government (Miscellaneous Provisions) Act 1982;
- (s) sections 12(2)(g), 19(7), 20(10) and 28B(1) and (2)(a) of the Local Government Finance Act 1982;
- (t) paragraph 7(1)(ba) of Schedule 1 to the Stock Transfer Act 1982;
- (u) the definition of “local authority” in section 60(3) of the County Courts Act 1984;
- (v) section 4(e) of the Housing Act 1985;
- (w) the definition of “local authority” in section 106(1) of the Housing Associations Act 1985;
- (x) the definition of “local authority” in section 38 of the Landlord and Tenant Act 1985;
- (y) sections 6(2)(a) and 9(1)(a) of the Local Government Act 1986;
- (z) section 58(1)(a) of the Landlord and Tenant Act 1987;
- (za) section 1(1)(e) of, and Schedule 2 to, the Local Government Act 1988;
- (zb) sections 111(2)(e) and 112(2)(a) of the Local Government Finance Act 1988;
- (zc) paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988;
- (zd) sections 5(1), 21(1)(g), 39(1)(j), 67(3)(i), 101(3)(ea), 155(4)(ea) and 157(6)(g) of the Local Government and Housing Act 1989;
- (ze) the definition of “local authority” in section 252(12) of the Town and Country Planning Act 1990;
- (zf) sections 19(3)(c), 39(1)(b) and 54(3)(f) and (3A)(b) of the Local Government Finance Act 1992.

## PART II

### OTHER CONSEQUENTIAL AMENDMENTS

#### *Pedlars Act 1871 (c. 96)*

- 2 In section 5 of the Pedlars Act 1871, in paragraph 1 for “of the police district” there shall be substituted “for the police area”.
- 3 In section 8 of that Act—
  - (a) for “police district” there shall be substituted “police area”, and
  - (b) for “such district” there shall be substituted “the area”.

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

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4 In section 9 of that Act for “police district”, in both places where it occurs, there shall be substituted “police area”.

5 In section 21 of that Act for “district” there shall be substituted “police area”.

6 In Schedule 2 to that Act for “police district” in each place where it occurs in Form A and Form B there shall be substituted “police area”.

*Parks Regulation Act 1872 (c. 15)*

7 In section 7 of the Parks Regulation Act 1872 for “police district” there shall be substituted “police area”.

8 In section 8 of that Act for “of the district” there shall be substituted “for the police area”.

*Riot (Damages) Act 1886 (c. 38)*

9 In section 2(1) of the Riot (Damages) Act 1886—

- (a) for “any police district” there shall be substituted “a police area”, and
- (b) for “such district” there shall be substituted “the area”.

10 In section 3 of that Act—

- (a) in subsection (1) for “district” there shall be substituted “police area”, and
- (b) in subsection (3) for “police district” there shall be substituted “police area”.

11 In section 9 of that Act—

- (a) for “police district” there shall be substituted “police area”,
- (b) for “the Police Act 1964” there shall be substituted “the Police Act 1996”, and
- (c) for “any other district” there shall be substituted “any other police area”.

*Local Government Act 1958 (c. 55)*

12 In section 60(2) of the Local Government Act 1958 after “Part I of the Police Act 1964” there shall be inserted “or section 32 of the Police Act 1996”.

*Superannuation (Miscellaneous Provisions) Act 1967 (c. 28)*

13 (1) Section 13 of the Superannuation (Miscellaneous Provisions) Act 1967 shall be amended as follows.

(2) In subsection (1)—

- (a) for “section 35 of the Police Act 1964” there shall be substituted “section 52 of the Police Act 1996”, and
- (b) in paragraph (a) for “section 17 of that Act” there shall be substituted “section 28 of that Act”.

(3) In subsection (3) for “sections 35 and 17 of the Police Act 1964” there shall be substituted “sections 52 and 28 of the Police Act 1996”.

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

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*Police (Scotland) Act 1967 (c. 77)*

- 14 (1) Section 26 of the Police (Scotland) Act 1967 shall be amended as follows.
- (2) In subsection (2)(i) for “section 47 of the Police Act 1964” there shall be substituted “section 64 of the Police Act 1996”.
- (3) In subsection (9) for the words from “other than” to “1980” there shall be substituted “other than regulations with respect to any of the matters mentioned in section 61(1) of the Police Act 1996”.
- 15 In section 39(4) of that Act, for “or section 141 of the Criminal Justice and Public Order Act 1994” there shall be substituted “or section 98 of the Police Act 1996”.

*Firearms Act 1968 (c. 27)*

- 16 In Schedule 1 to the Firearms Act 1968, in paragraph 5 for “section 51(1) of the Police Act 1964” there shall be substituted “section 89(1) of the Police Act 1996”.

*Police Act (Northern Ireland) 1970 (c. 9 (N.I.))*

- 17 In section 14(5) of the Police Act (Northern Ireland) 1970 for “section 141 of the Criminal Justice and Public Order Act 1994” there shall be substituted “section 98 of the Police Act 1996”.

*Pensions (Increase) Act 1971 (c. 56)*

- 18 (1) Schedule 2 to the Pensions (Increase) Act 1971 shall be amended as follows.
- (2) In paragraph 15—
- (a) in sub-paragraph (b) for “section 53C of the Police Act 1964” there shall be substituted “section 97 of the Police Act 1996”,
  - (b) in sub-paragraph (ba) for “section 15A(2) of the Police Act 1964” there shall be substituted “section 26(2) of the Police Act 1996”,
  - (c) in sub-paragraph (c) for “the Police Act 1964” there shall be substituted “the Police Act 1996”, and
  - (d) for sub-paragraph (d) there shall be substituted—
    - “(d) was engaged—
    - (i) on relevant service within paragraph (b), (c) or (d) of section 97(1) of the Police Act 1996, or
    - (ii) on central service pursuant to section 38 of the Police (Scotland) Act 1967.”
- (3) In paragraph 43, for sub-paragraph (b) there shall be substituted—  
“(b) section 51 or 52 of the Police Act 1996;”.
- (4) In paragraph 51(a) for “section 10 of the Police Act 1964” there shall be substituted “section 15 of the Police Act 1996”.

*Superannuation Act 1972 (c. 11)*

- 19 In section 15(5)(b) of the Superannuation Act 1972 for “section 34 or 35 of the Police Act 1964” there shall be substituted “section 51 or 52 of the Police Act 1996”.

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

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20 Schedule 1 to that Act shall continue to have effect with the following entry (originally inserted by paragraph 7(1) of Schedule 4 to the Police and Criminal Evidence Act 1984) in the list of “Other Bodies”—

“Police Complaints Authority”.

*Local Government Act 1972 (c. 70)*

21 In section 94(5)(b) of the Local Government Act 1972 for “or paragraph 26 of Schedule 1B to the Police Act 1964” there shall be substituted “or paragraph 25 of Schedule 2 to the Police Act 1996”.

*Overseas Pensions Act 1973 (c. 21)*

22 In section 2(2)(d)(i) of the Overseas Pensions Act 1973 for the words from “section 53C(1)(a), (c) or (e)” to “1980” there shall be substituted “section 97(1) (a), (e) or (g) of the Police Act 1996 (service under section 26 of the Police Act 1996, under section 1(1) of the Police (Overseas Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980)”.

*Juries Act 1974 (c. 23)*

23 In Schedule 1 to the Juries Act 1974, in Part I, in Group B—

- (a) for the words from “(including” to “1964)” there shall be substituted “(including a person on relevant service within paragraph (b), (c) or (d) of section 97(1) of the Police Act 1996”;
- (b) for “the Police Act 1964”, in the second place where it occurs, there shall be substituted “the Police Act 1996”, and
- (c) for “section 10 of the Police Act 1964” there shall be substituted “section 15 of the Police Act 1996”.

*House of Commons Disqualification Act 1975 (c. 24)*

24 In section 1(3) of the House of Commons Disqualification Act 1975, in the definition of “police authority”, for “the Police Act 1964” there shall be substituted “the Police Act 1996”.

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

25 In section 1(2) of the Northern Ireland Assembly Disqualification Act 1975, in the definition of “police authority”, for “the Police Act 1964” there shall be substituted “the Police Act 1996”.

*Salmon and Freshwater Fisheries Act 1975 (c. 51)*

26 In Schedule 3 to the Salmon and Freshwater Fisheries Act 1975, in Part III, in paragraph 39(1)(c) for “section 15 of the Police Act 1964” there shall be substituted “section 25 of the Police Act 1996”.

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

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*Sex Discrimination Act 1975 (c. 65)*

- 27 (1) Section 17 of the Sex Discrimination Act 1975 shall be amended as follows.
- (2) In subsection (2) for “section 33, 34 or 35 of the Police Act 1964” there shall be substituted “section 50, 51 or 52 of the Police Act 1996”.
- (3) In subsection (7) for “the Police Act 1964”, in each place where it occurs, there shall be substituted “the Police Act 1996”.
- (4) In subsection (8)—
- (a) for “the Police Act 1964” there shall be substituted “the Police Act 1996”, and
  - (b) for “sections 33, 34 and 35” there shall be substituted “sections 50, 51 and 52”.

*Police Pensions Act 1976 (c. 35)*

- 28 Section 1(1) of the Police Pensions Act 1976 shall continue to have effect with a reference to the Police Negotiating Board for the United Kingdom substituted for the reference to the Police Council for the United Kingdom (the substitution originally made by section 2(3) of the Police Negotiating Board Act 1980).
- 29 (1) Section 7(2) of that Act shall be amended as follows.
- (2) In paragraph (ba) for “section 15A(2) of the Police Act 1964” there shall be substituted “section 26(2) of the Police Act 1996”.
- (3) In paragraph (bb) for “section 53C of the Police Act 1964” there shall be substituted “section 97 of the Police Act 1996”.
- 30 (1) Section 11 of that Act (interpretation) shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (aa) for “section 15A(2) of the Police Act 1964” there shall be substituted “section 26(2) of the Police Act 1996”,
  - (b) in paragraph (ab) for “section 53C of the Police Act 1964” there shall be substituted “section 97 of the Police Act 1996”, and
  - (c) for paragraph (c) there shall be substituted—
    - “(c) central service in respect of which the provisions of section 97 of the Police Act 1996 or (as the case may be) section 38A of the Police (Scotland) Act 1967 have effect.”.
- (3) In subsection (2) for “the Police Act 1964” there shall be substituted “the Police Act 1996”.
- (4) In subsection (3) for “the Police Act 1964” there shall be substituted “the Police Act 1996”.
- (5) In subsection (5) for the definition of “central service” there shall be substituted—
  - ““central service”—
  - (a) means relevant service within paragraph (b), (c) or (d) of section 97(1) of the Police Act 1996, or
  - (b) has the meaning given in section 38(5) of the Police (Scotland) Act 1967,

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(as the case may require).”

*Race Relations Act 1976 (c. 80)*

31 In section 16(5) of the Race Relations Act 1976, in the definition of “the Police Act”, for “the Police Act 1964” there shall be substituted “the Police Act 1996”.

*Interpretation Act 1978 (c. 30)*

32 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined), in the definition of “police area” etc., for “section 62 of the Police Act 1964” there shall be substituted “section 101(1) of the Police Act 1996”.

*Finance Act 1981 (c. 35)*

33 In section 107(3)(k) of the Finance Act 1981 for “section 62 of the Police Act 1964” there shall be substituted “section 101(1) of the Police Act 1996”.

*Police and Criminal Evidence Act 1984 (c. 60)*

34 In section 5(1) of the Police and Criminal Evidence Act 1984 for paragraph (a) there shall be substituted—

“(a) under section 22 of the Police Act 1996; or”.

35 In section 50(2) of that Act for paragraph (a) there shall be substituted—

“(a) under section 22 of the Police Act 1996; or”.

36 In section 55(14) of that Act for paragraph (a) there shall be substituted—

“(a) under section 22 of the Police Act 1996; or”.

37 In section 64(6B) of that Act—

(a) the definition of “chief officer of police” shall be omitted, and

(b) in the definition of “the responsible chief officer of police” after “whose” there shall be inserted “police”.

38 In section 77(3) of that Act, in the definition of “police purposes”, for “section 64 of the Police Act 1964” there shall be substituted “section 101(2) of the Police Act 1996”.

*Prosecution of Offences Act 1985 (c. 23)*

39 In section 3(3) of the Prosecution of Offences Act 1985, in the definition of “police force”, for “the Police Act 1964” there shall be substituted “the Police Act 1996”.

*Housing Act 1985 (c. 68)*

40 In Schedule 1 to the Housing Act 1985, in paragraph 2(2), for “section 33 of the Police Act 1964” there shall be substituted “section 50 of the Police Act 1996”.

*Ministry of Defence Police Act 1987 (c. 4)*

41 In section 1(2)(a) of the Ministry of Defence Police Act 1987 for “the Police Act 1964” there shall be substituted “the Police Act 1996”.

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

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*Football Spectators Act 1989 (c. 37)*

- 42 In section 14(7) of the Football Spectators Act 1989 for “section 41 of the Police Act 1964” there shall be substituted “section 57 of the Police Act 1996”.

*Aviation and Maritime Security Act 1990 (c. 31)*

- 43 In section 22(4)(b)(i) of the Aviation and Maritime Security Act 1990 for “section 96(1) of the Police and Criminal Evidence Act 1984” there shall be substituted “section 78(1) of the Police Act 1996”.

*Local Government Act 1992 (c. 19)*

- 44 In section 17(6) of the Local Government Act 1992 for “at the commencement of section 1 of the Police and Magistrates' Courts Act 1994” there shall be substituted “on 1st April 1995”.

*Tribunals and Inquiries Act 1992 (c. 53)*

- 45 In section 7 of the Tribunals and Inquiries Act 1992, in subsection (2), after “36(a),” there shall be inserted “36A.”
- 46 In Schedule 1 to that Act, in Part I, after paragraph 36 there shall be inserted—

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“Police	36A. An appeals tribunal constituted in accordance with Schedule 6 to the Police Act 1996 (c. 00).”
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*Criminal Appeal Act 1995 (c. 35)*

- 47 In section 22(2)(c) of the Criminal Appeal Act 1995 for “section 2 of the Police Act 1964” there shall be substituted “section 2 of the Police Act 1996”.

SCHEDULE 8

Section 103.

TRANSITIONAL PROVISIONS, SAVINGS ETC.

**PART I**

GENERAL PROVISIONS

*Continuity of the law*

- 1 (1) The repeal (or revocation) and re-enactment of provisions in this Act does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if done, under or for the purposes of any provision repealed and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.

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

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- (3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—
- (a) to any provision of this Act, or
  - (b) to things done or falling to be done under or for the purposes of any provision of this Act,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference—
- (i) to that corresponding provision, or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—
- (a) to any provision repealed and re-enacted by this Act, or
  - (b) to things done or falling to be done under or for the purposes of any such provision,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—
- (i) to that corresponding provision, or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (5) Without prejudice to the generality of sub-paragraph (4), where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.
- (6) Sub-paragraphs (1) to (5) have effect instead of section 17(2) of the Interpretation Act 1978 (but are without prejudice to any other provision of that Act).
- (7) This paragraph is to be read subject to the provisions of any order made under section 104 or under paragraph 11 below.

*General saving for old transitional provisions and savings*

- 2       The repeal by this Act of any provision of Part II of Schedule 4 to the Police and Criminal Evidence Act 1984, or any other transitional provision or saving relating to the coming into force of a provision reproduced in this Act, does not affect the operation of the transitional provision or saving in so far as it is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act or otherwise.
- 3       The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.



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

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*Use of existing forms, etc.*

- 4 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued on or after the commencement of that repeal shall be construed, except so far as a contrary intention appears, as a reference or, as the context may require, as including a reference to the corresponding provision of this Act.

**PART II**

PROVISIONS RELATING TO PARTICULAR ENACTMENTS

*Pedlars Act 1871*

- 5 Any reference to a police district contained in—
- (a) an application for a pedlar's certificate under the Pedlars Act 1871 made before the commencement of paragraphs 2 to 6 of Schedule 7 to this Act, or
  - (b) a pedlar's certificate granted under that Act before that commencement,
- shall on and after that commencement be read as if it were a reference to the equivalent police area.

*Savings relating to the Police Act 1964*

- 6 Notwithstanding the repeal by this Act of subsection (4) of section 58 of the Police Act 1964 (provision made by regulations for chief constables affected by amalgamations or reorganisations not to be less favourable than that under the Police Pensions Act 1976), that subsection shall continue to have effect in relation to any person who was the chief constable of a police force on 1st July 1964 and became a member of another police force by virtue of that section.
- 7 Notwithstanding the repeal by this Act of subsection (4) of section 64 of that Act (power to make consequential amendments to local Acts by order), any local enactment which immediately before the coming into force of that repeal had effect with modifications by virtue of an order made under that subsection shall continue to have effect with those modifications.

*Saving for transitional provisions under the Police and Magistrates' Courts Act 1994*

- 8 Without prejudice to the generality of paragraph 1(4) above, any transitional provision which—
- (a) is contained in an order made under section 94(1) of the Police and Magistrates' Courts Act 1994, and
  - (b) relates to the coming into force of a provision of that Act reproduced in this Act,
- shall, in so far as it remains capable of having effect, continue to operate in relation to the corresponding provision of this Act.

*Police areas*

- 9 For the period beginning with the commencement of Schedule 1 to this Act and ending on 31st March 1997, that Schedule shall have effect as if—

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

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- (a) for the entry in the second column opposite the name of the Bedfordshire police area there were substituted—

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“The county of Bedfordshire”,

- (b) for the entry in that column opposite the name of the Derbyshire police area there were substituted—

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“The county of Derbyshire”,

- (c) for the entry in that column opposite the name of the Dorset police area there were substituted—

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“The county of Dorset”,

- (d) for the entry in that column opposite the name of the Durham police area there were substituted—

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“The county of Durham”,

- (e) for the entry in that column opposite the name of the Hampshire police area there were substituted—

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“The counties of Hampshire and Isle of Wight”,

- (f) for the entry in that column opposite the name of the Leicestershire police area there were substituted—

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“The county of Leicestershire”,

- (g) for the entry in that column opposite the name of the Staffordshire police area there were substituted—

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“The county of Staffordshire”,

- (h) for the entry in that column opposite the name of the Sussex police area there were substituted—

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“The counties of East Sussex and West Sussex”,

- (i) for the entry in that column opposite the name of the Thames Valley police area there were substituted—

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“The counties of Berkshire,  
Buckinghamshire and Oxfordshire”,

- (j) for the entry in that column opposite the name of the Wiltshire police area there were substituted—

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“The county of Wiltshire”.

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reorganisation), any order made under section 21A of that Act shall continue to have effect.

### PART III

#### PROVISIONS RELATING TO COMPLAINTS AND DISCIPLINE

##### *Modification of enactments pending commencement of new discipline procedures*

- 11 (1) Until such day as the Secretary of State may by order appoint, the provisions of this Act mentioned in sub-paragraphs (2) and (3) shall have effect subject to the modifications set out in those sub-paragraphs.
- (2) Section 59 shall have effect as if—
- (a) in subsection (2) for “proceedings brought under regulations made in accordance with section 50(3) above or section 26(2A) of the Police (Scotland) Act 1967” there were substituted “disciplinary proceedings”, and
  - (b) in subsection (3) for “a police appeals tribunal” there were substituted “the Secretary of State”.
- (3) Section 91(1) shall have effect as if after “services” there were inserted “or to commit breaches of discipline”.
- (4) Subsections (3) to (5) of section 104 shall have effect in relation to an order under this paragraph as they have effect in relation to an order under that section.

##### *Modification of section 81*

- 12 Until such day as the Lord Chancellor may appoint under section 16(2) of the Civil Evidence Act 1995 (commencement orders) for the commencement of paragraph 9(3) of Schedule 1 to that Act, section 81 of this Act shall have effect as if for subsection (3) there were substituted—
- “(3) In this section “document” has the same meaning as in Part I of the Civil Evidence Act 1968.”

##### *Saving for complaints procedures established for other bodies of constables*

- 13 The coming into force of any provision of Part IV of this Act which re-enacts a provision of Part IX of the Police and Criminal Evidence Act 1984 (police complaints), as amended by the Police and Magistrates' Courts Act 1994, shall not affect any procedures established by virtue of section 96 of the 1984 Act (constabularies maintained by authorities other than police authorities) before that provision comes into force.

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

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## SCHEDULE 9

Section 103.

### REPEALS AND REVOCATIONS

#### PART I

##### REPEALS: GENERAL

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
<a href="#">23 Geo. 5 c. 12.</a>	Children and Young Persons Act 1933.	In section 107(1), in the definition of “Chief officer of police” the words “as regards England has the same meaning as in the Police Act 1964,”.
<a href="#">1964 c. 48.</a>	The Police Act 1964.	The whole Act (except sections 37 and 60 to 65, Schedule 5 and the provisions of Schedule 9 other than the entry relating to the Children and Young Persons Act 1933).
<a href="#">1967 c. 77.</a>	The Police (Scotland) Act 1967.	In Schedule 4, the paragraphs under the heading “The Police Act 1964”.
<a href="#">1971 c. 56.</a>	Pensions (Increase) Act 1971.	In Schedule 2, in paragraph 51 the words “other than a local authority”.
<a href="#">1972 c. 39.</a>	The Police Act 1972.	The whole Act.
<a href="#">1972 c. 70.</a>	The Local Government Act 1972.	Section 196.
<a href="#">1976 c. 35.</a>	The Police Pensions Act 1976.	In Schedule 2, paragraph 5.
<a href="#">1977 c. 45.</a>	The Criminal Law Act 1977.	In Schedule 1, paragraph 18. In Schedule 6, the entry headed “Police Act 1964”.
<a href="#">1980 c. 10.</a>	The Police Negotiating Board Act 1980.	The whole Act.
<a href="#">1982 c. 48.</a>	The Criminal Justice Act 1982.	In Schedule 3, the entry headed “the Police Act 1964”.
<a href="#">1984 c. 60.</a>	The Police and Criminal Evidence Act 1984.	In section 64(6B), the definition of “chief officer of police” and the word “and” immediately after it. Sections 106, 109 and 112.

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

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1988 c. 41.	The Local Government Finance Act 1988.	Sections 64(7)(e) and (f) and 144(4).
1989 c. 11.	The Police Officers (Central Service) Act 1989.	Sections 1 and 3. The Schedule.
1994 c. 29.	The Police and Magistrates Courts Act 1994.	Sections 1 to 26, 28, 29, 32, 34 to 38, 45 and 95. Schedules 1 to 3. In Schedule 4, paragraph 6. In Schedule 5, paragraphs 1 to 16, 21, 22, 24(b), 25 to 28, 31 to 34, 39(a) and 40(2). In Schedule 9, in Part I, the entries relating to sections 53(1), 60(1) and 60(2) of the Police Act 1964. In Schedule 9, in Part I, the entries relating to the Police and Criminal Evidence Act 1984 (except for the entries relating to section 108 of, and Schedules 4 and 6 to, that Act). In Schedule 9, in Part I, the entry relating to the Courts and Legal Services Act 1990.
1994 c. 33.	The Criminal Justice and Public Order Act 1994.	Section 141. Section 160(1). In Schedule 10, paragraphs 13, 14, 17 and 27.

## PART II

### REPEALS CONSEQUENTIAL ON NEW DISCIPLINE AND COMPLAINTS PROCEDURES

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1964 c. 48.	The Police Act 1964.	Section 37. Sections 60 to 62. Section 64 (except subsection (2)). Section 65(2) to (4). Schedule 5.

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

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1984 c. 60.	The Police and Criminal Evidence Act 1984.	Section 67(8). Sections 83 to 105. Schedule 4.
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 10, paragraph 22.
1994 c. 29.	The Police and Magistrates' Courts Act 1994.	In Schedule 5, in paragraph 24 the opening words and sub-paragraph (a).  In Schedule 5, paragraphs 29, 30 and 36.

### PART III

#### REVOCATIONS

<i>Number</i>	<i>Title</i>	<i>Extent of revocation</i>
S.I. 1995/493	The Avon (Structural Change) Order 1995.	Article 13.
S.I. 1995/600	The Humberside (Structural Change) Order 1995.	Article 11.
S.I. 1995/610	The North Yorkshire (District of York) (Structural and Boundary Changes) Order 1995.	Article 12.
S.I. 1995/1747	The Cleveland (Further Provision) Order 1995.	Article 4.
S.I. 1995/1769	The Buckinghamshire (Borough of Milton Keynes) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1770	The East Sussex (Boroughs of Brighton and Hove) (Structural Change) Order 1995.	Article 7.
S.I. 1995/1771	The Dorset (Boroughs of Poole and Bournemouth) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1772	The Durham (Borough of Darlington) (Structural Change) Order 1995.	Article 5.

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

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<i>Number</i>	<i>Title</i>	<i>Extent of revocation</i>
<a href="#">S.I. 1995/1773</a>	The Derbyshire (City of Derby) (Structural Change) Order 1995.	Article 5.
<a href="#">S.I. 1995/1774</a>	The Wiltshire (Borough of Thamesdown) (Structural Change) Order 1995.	Article 5.
<a href="#">S.I. 1995/1775</a>	The Hampshire (Cities of Portsmouth and Southampton) (Structural Change) Order 1995.	Article 5.
<a href="#">S.I. 1995/1776</a>	The Bedfordshire (Borough of Luton) (Structural Change) Order 1995.	Article 5.
<a href="#">S.I. 1995/1779</a>	The Staffordshire (City of Stoke-on-Trent) (Structural and Boundary Changes) Order 1995.	Article 7.
<a href="#">S.I. 1996/507</a>	The Leicestershire (City of Leicester and District of Rutland) (Structural Change) Order 1996.	Article 5.

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