



May 2006

Dear Chief Officers of Police
Chairs of Police Authorities

POLICE ASSISTANCE OVERSEAS: S.26 OF THE POLICE ACT 1996

The purpose of this letter, which is being issued jointly by the Home Office, the Association of Chief Police Officers (International Affairs Portfolio) and the Association of Police Authorities, is to remind you of the procedure to be followed when police officers are deployed to provide assistance overseas.

Police officers and police staff in England and Wales intending, or being requested, to travel overseas to provide advice or assistance to an international organisation or any other body which is engaged outside the UK in policing activities, must be authorised to do so by their police authority and the Home Secretary. The relevant legislation is section 26 of the Police Act 1996. Sub-sections (1) and (2) empower police authorities to provide such assistance and sub-section (3) provides that the power shall not be exercised except with the consent of the Secretary of State. Officers may not travel abroad until this authorisation has been granted and they have received (or have been informed that they will shortly receive) a letter (a "section 26 letter") from the Home Office's International Police Assistance (IPA) section notifying them of the terms on which it has been granted.

The legislation does not specify what constitutes 'advice and assistance'. However, Home Office practice developed with the advice of legal advisers, is that if the assistance, whether advisory or operational, is intended to be primarily of benefit to an overseas agency, then the Home Secretary's consent under section 26 is required. If the assistance is to pursue UK interests/operational work (e.g. officers travelling abroad in furtherance of an investigation into an offence committed in the UK, or to attend a conference), then a section 26 authorisation is not needed.

Further detailed guidance is contained in the Overseas Deployment Manual for Police Officers on the Home Office website.¹ The IPA section (contact numbers at end of Annex A) will also be happy to advise in any cases where forces may be uncertain whether or not a section 26 letter is needed.

As well as confirming the Home Secretary's consent to the deployment, a section 26 letter provides confirmation that officers' terms and conditions of service are preserved when on overseas service. Thus if officers deploy before authorisation, their terms and conditions are not fully protected.

¹ http://police.homeoffice.gov.uk/news-and-publications/publication/training-and-career-development/overseas_deployment_may04.pdf?view=standard&pubID=239972

Application for the Home Secretary's authorisation is not a bureaucratic formality and his consent should not be regarded as a foregone conclusion. Many overseas police assistance projects are worthwhile, but the point at issue is that the Home Office, ACPO and APA want to ensure, in conjunction with the Foreign and Commonwealth Office (FCO) and the Department for International Development (DfID), that our limited police staffing resources are directed to where they will be of most benefit and that the UK input into international initiatives is co-ordinated to best effect.

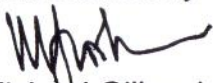
In order to ensure that it is clear from the outset that requests only arise from initiatives all relevant parties are aware of and to facilitate processing of section 26 requests, forces are invited to submit all future requests on the pro-forma at Annex A. In addition to the usual details of the officer's or staff member's name, rank or role, duration and purpose of overseas deployment, it asks for details of who has initiated the request, and which HO and FCO (or DfID) units and which ACPO Committee have been consulted prior to making the request to deploy overseas. Requests, which must in all cases have the support of the police authority, should be submitted to the IPA section at the Home Office with as much notice as possible before the deployment is due to take place.

It follows from the above that forces should not initiate, or respond directly to, requests for assistance from overseas agencies, but you are of course welcome to flag up if there are countries with whom your force has particular links which it would be useful to foster.

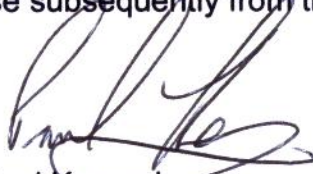
Annex B gives details of the section to contact in the Home Office in the first instance in the case of **emergency** requests for assistance in response to disasters overseas.

We hope that this reminder of the requirement to apply for section 26 letters before officers are deployed to provide assistance overseas, with which many forces comply already, is useful. In summary, these letters safeguard both the police officers and staff concerned, and the position of the Home Secretary, who would, along with the police force and authority, have to deal with any controversy which might arise subsequently from the deployment.

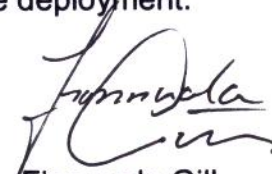
Yours sincerely



Michael Gillespie
Deputy Director
Specialist Crime 1
(Public Order and Police
Co-Operation)
Home Office



Paul Kernaghan
Chief Constable
International Affairs
Portfolio Holder
Association of Chief
Police Officers in
England, Wales and
Northern Ireland



Fionnuala Gill
Executive Director
Association of Police
Authorities

ANNEX A

PROFORMA TO ACCOMPANY REQUESTS FROM POLICE FORCES

Section 26 Request

For police officers and police staff from English and Welsh forces providing advice and assistance to an international organisation or a body outside the U.K. that is engaged in policing activities.

1. Name and rank of officer/s: *(if this is not an officer, but civilian staff, please state and give their role)*

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2. Force:.....

3. Destination:.....

4. Dates of travel (start and end):.....

5. Purpose of provision of assistance:

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6. Name of authorising officer (ACPO-rank):

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7. Please tick this box to confirm that Police Authority approval has been granted:

(Note that the Home Office is unable to agree any requests which have not been given Police Authority approval.)

8. Details of who initiated the request:

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9. Details of Home Office Unit consulted (including contact name):

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10. Details of unit/s within Foreign and Commonwealth Office or Department for International Development consulted (including name and contact details):

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11. ACPO Committee consulted (including contact details):

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12. Name and address for correspondence to be sent:

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Please ensure that the relevant bodies/departments have been contacted prior to travel (e.g. ACPO, Foreign and Commonwealth Office.) The authorising officer named at paragraph 6 above takes responsibility for the information contained in this form.

For further guidance on permissions required for overseas deployments, please see the Overseas Deployment Manual for Police Officers on the Home Office web-site at: http://police.homeoffice.gov.uk/news-and-publications/publication/training-and-career-development/overseas_deployment_may04.pdf?view=standard&pubID=239972

*Completed forms should be returned to: The International Police Assistance Section, Home Office, 5th Floor, Fry Building, 2 Marsham Street, London SW1P 4DF. Tel: 020 7035 1812/1813 fax: 0207 035 6436.
E:mail: joanna.miller@homeoffice.gsi.gov.uk or tripta.thaper@homeoffice.gsi.gov.uk*

ANNEX B

EMERGENCY REQUESTS: CIVIL CONTINGENCIES AND COUNTER-TERRORISM

Forces should be aware that in the case of emergency requests for assistance in response to disasters overseas of a non-terrorist nature, it is essential that contact is made at the earliest opportunity with the appropriate section of the Home Office. Contact details are:

David Bohannon
SC1 (Public Order and Police Co-operation)
Civil Contingency Planning (police liaison)
Home Office
2 Marsham Street, London SW1P 4DF

Tel: 020 7035 1810/1815 (office) or 0044 777 190 6347 (mobile)
E-mail: david.bohannon@homeoffice.gsi.gov.uk

For emergency requests in relation to overseas terrorist incidents, forces should immediately contact the Home Office's Terrorism and Protection Policy Unit on the following number:

Terrorism and Protection Unit (Policy)
Home Office
2 Marsham Street, London SW1P 4DF

Tel: 020 7035 6661 (office) or, if out of office hours, please contact the Duty Officer via the Home Office Switchboard on tel: 020 7035 4848.

If the Home Secretary's consent to deployment is granted in the above categories, the relevant section will liaise with the International Police Assistance section to arrange issue of section 26 letters.