

SCHEDULE 2

Article 5(3)

Exclusion of legislation from application to the Combined Authority Mayor with policing and crime functions

PART 1

Primary legislation

1. Section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes)(1).
2. The following provisions of the Local Government Act 1972(2)—
 - (a) section 102(6) to (11) (appointment of committees);
 - (b) section 223(2) (appearance of local authorities in legal proceedings);
 - (c) paragraph 6ZA of Part 1 of Schedule 12 (meetings and proceedings of local authorities).
3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to Crown or to local authority etc.)(3).
4. Section 14(1)(caa) of the Rent Act 1977 (landlord's interest belonging to local authority, etc.)(4).
5. Sections 95, 96A, 97 and 98 of the Local Government, Planning and Land Act 1980 (land held by public bodies)(5).
6. Sections 33 (enforceability by local authorities of certain covenants relating to land) and 41 (lost and uncollected property) of the Local Government (Miscellaneous Provisions) Act 1982(6).
7. Sections 13AB(8)(f) and 13B(4)(g) of the Representation of the People Act 1983 (alteration of registers)(7).

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- (1) 1967 c. 88. Section 28(5)(a) was amended by paragraph 85 of Schedule 16 to the PRSR Act. There are other amendments to section 28 not relevant to this instrument.
 - (2) 1972 c. 70. Section 102(6) to (11) and paragraph 6ZA were inserted by section 7 of the 2017 Act. Section 102(9) was amended by section 74 of the Levelling-up and Regeneration Act 2023. Section 223 was amended by paragraph 21 of Schedule 14 to the Local Government Act 1985 (c. 51), part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40), paragraph 12 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 17(a) of Schedule 22 and Schedule 24 to the Environment Act 1995 (c. 25), paragraph 28 of Schedule 21 to the Legal Services Act 2007 (c. 29), paragraph 24 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, paragraph 109 of Schedule 16 to the PRSR Act, paragraph 6(7)(k) of Schedule 13 to the Deregulation Act 2015 (c. 20), paragraph 27 of Schedule 1 to the 2017 Act, and by S.I. 2001/3719 and 2022/372.
 - (3) 1976 c. 80. Section 5(3)(baa) was inserted by paragraph 52 of Schedule 4 to the Police and Magistrates' Court Act 1994 and amended by paragraph 134 of Schedule 16 to the PRSR Act.
 - (4) 1977 c. 42. Section 14(1)(caa) was inserted by paragraph 53 of Schedule 4 to the Police and Magistrates' Court Act 1994 and amended by paragraph 135 of Schedule 16 to the PRSR Act.
 - (5) 1980 c. 65. Section 96A was inserted, and section 97 substituted, by paragraphs 2 and 3 of Schedule 5 to the Local Government Act 1988 (c. 9). Section 98 was amended by paragraphs 4(2) and (3) of the Local Government Act 1988, section 176(1) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), and by S.I. 2009/1941.
 - (6) 1982 c. 30. Section 33 was amended by paragraph 6 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), paragraph 56(2)(a) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, paragraph 156 of Schedule 16 to the PRSR Act, paragraphs 6(1) and 16(a) of Schedule 13 to the Deregulation Act 2015, and paragraph 66 of Schedule 2 to the 2017 Act. There are other amendments to section 33 not relevant to this instrument.
 - (7) 1983 c. 2. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6) and amended by paragraph 4 of Schedule 2 to the Recall of MPs Act 2015 (c. 25) and by S.I. 2018/1310. Section 13B was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by section 11 of the Electoral Administration Act 2006 (c. 22), section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), paragraph 3 of Schedule 10 to the PRSR Act, paragraph 13 of Schedule 4 to the Electoral Registration and Administration Act 2013, and paragraph 5 of Schedule 2 to the Recall of MPs Act 2015, and by S.I. 2018/1310.

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8. Section 60 of the County Courts Act 1984 (right of audience)(8).
9. The following provisions of the Housing Act 1985(9)—
 - (a) section 80(1) (the landlord condition);
 - (b) section 157(1) (restriction on disposal of dwelling-houses in National Parks);
 - (c) section 171(2) (power to extend right to buy);
 - (d) section 573(1) (meaning of public sector authority);
 - (e) paragraph 2(1) of Schedule 1 (tenancies which are not secure tenancies);
 - (f) grounds 7 and 12 in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies);
 - (g) ground 5 in Schedule 3 (grounds for withholding consent to assignment by way of exchange);
 - (h) paragraph 7(1) of Schedule 4 (qualifying period for right to buy and discount);
 - (i) paragraph 5(1)(b) of Schedule 5 (exceptions to the right to buy).
10. Section 38 of the Landlord and Tenant Act 1985 (minor definitions)(10).
11. Section 7 of the Local Government Act 1986 (transfer requires mortgagor’s consent)(11).
12. Section 58 of the Landlord and Tenant Act 1987 (exempt landlords and resident landlords)(12).
13. Sections 111, 113, 114 and 114A of the Local Government Finance Act 1988 (financial administration)(13).
14. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies)(14).
15. Section 39 of the Local Government Finance Act 1992 (precepting and precepted authorities)(15).
16. Section 33 of the Value Added Tax Act 1994 (refunds of VAT in certain cases)(16).
17. Section 94 of the Police Act 1996 (financing of new police and crime commissioners)(17).
18. Paragraph 57 of Schedule 1 to the Freedom of Information Act 2000 (public authorities)(18).
19. Sections 21 and 22 of the Local Government Act 2003 (accounts)(19).

(8) 1984 c. 28. Section 60 was amended by paragraph 58 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 159 of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(9) 1985 c. 68. There are amendments not relevant to this instrument.

(10) 1985 c. 70. The definition of “local authority” in section 38 was amended by paragraph 70 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 75 of Schedule 2 to the 2017 Act. There are other amendments not relevant to this instrument.

(11) 1986 c. 10.

(12) 1987 c. 31. Section 58(1)(a) was amended by paragraph 72 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 176 of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(13) 1988 c. 41. Section 111 was amended by paragraph 186 of Schedule 16 to the PRSR Act. Section 114(4)(b) was substituted by paragraph 118 of Schedule 16 to the PRSR Act. Section 114A was inserted by [S.I. 2001/2237](#). There are other amendments not relevant to this instrument.

(14) 1988 c. 50. Paragraph 12(2)(g) was substituted by paragraph 178 of Schedule 16 to the PRSR Act.

(15) 1992 c. 14. Section 39 was amended by section 26(2) of the PRSR Act. There are other amendments not relevant to this instrument.

(16) 1994 c. 23. Section 33 was amended by paragraph 217 of Schedule 16 to the PRSR Act.

(17) 1996 c. 16. Section 94 was amended by section 25(7) to (11) of the PRSR Act.

(18) 2000 c. 36. Paragraph 57 of Schedule 1 was substituted by paragraph 249 of Schedule 16 to the PRSR Act.

(19) 2003 c. 26.

- 20.** The following provisions of the Fire and Rescue Services Act 2004(**20**)—
- (a) section 3(7) and (9) (creation of combined fire and rescue authorities: supplementary);
 - (b) section 4A (power to provide for police and crime commissioner to be fire and rescue authority);
 - (c) Schedule A1 (procedure for orders under section 4A);
 - (d) Schedule A2 (application of legislation relating to police and crime commissioners).
- 21.** The following provisions of the PRSR Act—
- (a) section 1(1) to (4) (police and crime commissioners)(**21**);
 - (b) sections 50 to 61 (elections and vacancies);
 - (c) section 69 (validity of acts);
 - (d) sections 71 to 75 (elections: further provision);
 - (e) section 102(3) (interpretation: police and crime commissioner’s staff);
 - (f) Schedule 1, paragraphs 2, 3, 5(1), 6(1), (2), and (4), and 7 (police and crime commissioners);
 - (g) Schedule 6, paragraphs 33 to 35 (duty to nominate elected mayor to be a member of police and crime panel);
 - (h) Schedule 10 (elections: consequential amendments).
- 22.** Paragraph 19 of Schedule 2 to the Local Audit and Accountability Act 2014 (relevant authorities)(**22**).
- 23.** The following provisions of the Policing and Crime Act 2017(**23**)—
- (a) section 5(7)(a) and (9)(a) (collaboration agreements: definitions);
 - (b) paragraph 92 of Schedule 1 (amendments to Schedule 6 to the Police Reform and Social Responsibility Act 2011).

PART 2

Secondary legislation

- 24.** The Police and Crime Commissioner Elections Order 2012.
- 25.** The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(**24**).
- 26.** The Police and Crime Commissioner Elections (Returning Officers’ Accounts) Regulations 2012(**25**).
- 27.** The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012(**26**).

(20) 2004 c. 21. Section 3(6) to (9) were inserted by section 7(12) of the 2017 Act. Section 4A was inserted by paragraph 5 of Schedule 1 to that Act. Schedules A1 and A2 were inserted by paragraph 13 of Schedule 1 to that Act.

(21) Section 1 was amended by section 183 of the 2017 Act.

(22) 2014 c. 2.

(23) 2017 c. 3.

(24) S.I. 2012/1918, amended by S.I. 2016/300 and 2022/263.

(25) S.I. 2012/2088, amended by S.I. 2015/1526, 2016/488, 2021/179, and 2021/1265.

(26) S.I. 2012/2553.

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28. The following provisions of Schedule 2 to the Local Government Pension Scheme Regulations 2013 (scheme employers)(**27**)—

- (a) paragraph 6 of Part 1;
- (b) Part 4.

29. The Police and Crime Commissioner Elections Order 2015(**28**).

30. Article 7 of the Chancellor of the Duchy of Lancaster Order 2015(**29**).

31. The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015(**30**)

32. The Police and Crime Commissioner Elections (Designation of Local Authorities) Order 2020(**31**).

33. The Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) Order 2020(**32**).

34. The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2021(**33**).

(27) [S.I. 2013/2356](#).

(28) [S.I. 2015/665](#).

(29) [S.I. 2015/1376](#).

(30) [S.I. 2015/1526](#).

(31) [S.I. 2020/134](#), amended by [S.I. 2021/258](#) and [2022/1079](#).

(32) [S.I. 2020/136](#), amended by [S.I. 2021/259](#) and [2022/1079](#).

(33) [S.I. 2021/390](#), amended by [S.I. 2022/1079](#).