



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1 **U.K.**

#### POLICE REFORM

VALID FROM 22/11/2012

### CHAPTER 1 **E+W**

#### POLICE AREAS OUTSIDE LONDON

#### **1** Police and crime commissioners **E+W**

- (1) There is to be a police and crime commissioner for each police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).
- (2) A police and crime commissioner is a corporation sole.
- (3) The name of the police and crime commissioner for a police area is “the Police and Crime Commissioner for” with the addition of the name of the police area.
- (4) The police and crime commissioner for a police area is to be elected, and hold office, in accordance with Chapter 6.
- (5) A police and crime commissioner has—
  - (a) the functions conferred by this section,
  - (b) the functions relating to community safety and crime prevention conferred by Chapter 3, and
  - (c) the other functions conferred by this Act and other enactments.
- (6) The police and crime commissioner for a police area must—

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

- (a) secure the maintenance of the police force for that area, and
  - (b) secure that the police force is efficient and effective.
- (7) The police and crime commissioner for a police area must hold the relevant chief constable to account for the exercise of—
- (a) the functions of the chief constable, and
  - (b) the functions of persons under the direction and control of the chief constable.
- (8) The police and crime commissioner must, in particular, hold the chief constable to account for—
- (a) the exercise of the duty under section 8(2) (duty to have regard to police and crime plan);
  - (b) the exercise of the duty under section 37A(2) of the Police Act 1996 (duty to have regard to strategic policing requirement);
  - (c) the exercise of the duty under section 39A(7) of the Police Act 1996 (duty to have regard to codes of practice issued by Secretary of State);
  - (d) the effectiveness and efficiency of the chief constable's arrangements for co-operating with other persons in the exercise of the chief constable's functions (whether under section 22A of the Police Act 1996 or otherwise);
  - (e) the effectiveness and efficiency of the chief constable's arrangements under section 34 (engagement with local people);
  - (f) the extent to which the chief constable has complied with section 35 (value for money);
  - (g) the exercise of duties relating to equality and diversity that are imposed on the chief constable by any enactment;
  - (h) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the chief constable by sections 10 and 11 of the Children Act 2004.
- (9) The police authorities established for police areas under section 3 of the Police Act 1996 are abolished.
- (10) Schedule 1 (police and crime commissioners) has effect.

## 2 Chief constables **E+W**

- (1) Each police force is to have a chief constable.
- (2) The chief constable of a police force is to be appointed, and hold office, in accordance with—
  - (a) section 38, and
  - (b) the terms and conditions of the appointment.
- (3) A police force, and the civilian staff of a police force, are under the direction and control of the chief constable of the force.
- (4) A chief constable has the other functions conferred by this Act and by other enactments.
- (5) A chief constable must exercise the power of direction and control conferred by subsection (3) in such a way as is reasonable to assist the relevant police and crime commissioner to exercise the commissioner's functions.

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- (6) Subsection (3) is subject to any provision included in a collaboration agreement (see section 22A of the Police Act 1996).
- (7) Schedule 2 (chief constables) has effect.
- (8) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (see section 2 of that Act).

VALID FROM 16/01/2012

## CHAPTER 2 **E+W**

### METROPOLITAN POLICE DISTRICT

#### 3 **Mayor's Office for Policing and Crime** **E+W**

- (1) There is to be a body with the name “The Mayor's Office for Policing and Crime” for the metropolitan police district.
- (2) The Mayor's Office for Policing and Crime is a corporation sole.
- (3) The person who is Mayor of London for the time being is to be the occupant for the time being of the Mayor's Office for Policing and Crime.
- (4) Accordingly, where a person is the occupant of the Mayor's Office for Policing and Crime by virtue of a particular term of office as Mayor of London (the “relevant mayoral term”), the person's term as the occupant of the Mayor's Office for Policing and Crime—
  - (a) begins at the same time as the relevant mayoral term, and
  - (b) ends at the same time as the relevant mayoral term.
- (5) The Mayor's Office for Policing and Crime has—
  - (a) the functions conferred by this section,
  - (b) the functions relating to community safety and crime prevention conferred by Chapter 3, and
  - (c) the other functions conferred by this Act and other enactments.
- (6) The Mayor's Office for Policing and Crime must—
  - (a) secure the maintenance of the metropolitan police force, and
  - (b) secure that the metropolitan police force is efficient and effective.
- (7) The Mayor's Office for Policing and Crime must hold the Commissioner of Police of the Metropolis to account for the exercise of—
  - (a) the functions of the Commissioner, and
  - (b) the functions of persons under the direction and control of the Commissioner.
- (8) The Mayor's Office for Policing and Crime must, in particular, hold the Commissioner to account for—
  - (a) the exercise of the duty imposed by section 8(4) (duty to have regard to police and crime plan);

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- (b) the exercise of the duty under section 37A(2) of the Police Act 1996 (duty to have regard to strategic policing requirement);
  - (c) the exercise of the duty imposed by section 39A(7) of the Police Act 1996 (duty to have regard to codes of practice issued by Secretary of State);
  - (d) the effectiveness and efficiency of the Commissioner's arrangements for co-operating with other persons in the exercise of the Commissioner's functions (whether under section 22A of the Police Act 1996 or otherwise);
  - (e) the effectiveness and efficiency of the Commissioner's arrangements under section 34 (engagement with local people);
  - (f) the extent to which the Commissioner has complied with section 35 (value for money);
  - (g) the exercise of duties relating to equality and diversity imposed on the Commissioner by any enactment;
  - (h) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the Commissioner by sections 10 and 11 of the Children Act 2004.
- (9) In section 424 of the Greater London Authority Act 1999 (interpretation), in subsection (1), in the definition of “functional body”, for paragraph (c) substitute—  
“(c) the Mayor's Office for Policing and Crime; or”.
- (10) In this section, references to the Mayor of London include references to a person who is, by virtue of Schedule 4 to the Greater London Authority Act 1999 (exercise of functions of Mayor during vacancy or incapacity), treated as if the person were the Mayor of London.
- (11) Where such a person is the occupant for the time being of the Mayor's Office for Policing and Crime, references in this section to the relevant mayoral term are references to the period for which the person is treated as if the person were the Mayor of London.
- (12) The Metropolitan Police Authority is abolished.
- (13) Schedule 3 (Mayor's Office for Policing and Crime) has effect.

#### **4 Commissioner of Police of the Metropolis** **E+W**

- (1) There is to be a corporation sole with the name “the Commissioner of Police of the Metropolis”.
- (2) The Commissioner of Police of the Metropolis is to be appointed, and hold office, in accordance with—
  - (a) sections 42 and 48, and
  - (b) the terms and conditions of the appointment.
- (3) The metropolitan police force, and the civilian staff of the metropolitan police force, are under the direction and control of the Commissioner of Police of the Metropolis.
- (4) The Commissioner of Police of the Metropolis has the other functions conferred by this Act and by other enactments.
- (5) The Commissioner of Police of the Metropolis must exercise the power of direction and control conferred by subsection (3) in such a way as is reasonable to assist the Mayor's Office for Policing and Crime to exercise that Office's functions.

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

(6) Subsection (3) is subject to any provision included in a collaboration agreement (see section 22A of the Police Act 1996).

(7) Schedule 4 (Commissioner of Police of the Metropolis) has effect.

VALID FROM 15/12/2011

### CHAPTER 3 **E+W**

#### FUNCTIONS OF ELECTED LOCAL POLICING BODIES ETC

VALID FROM 16/01/2012

#### *Community safety and crime prevention*

VALID FROM 22/11/2012

#### **5 Police and crime commissioners to issue police and crime plans **E+W****

- (1) The police and crime commissioner for a police area must issue a police and crime plan within the financial year in which each ordinary election is held.
- (2) A police and crime commissioner must comply with the duty under subsection (1) as soon as practicable after the commissioner takes office.
- (3) A police and crime commissioner may, at any time, issue a police and crime plan.
- (4) A police and crime commissioner may vary a police and crime plan.
- (5) In issuing or varying a police and crime plan, a police and crime commissioner must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.
- (6) Before issuing or varying a police and crime plan, a police and crime commissioner must—
  - (a) prepare a draft of the plan or variation,
  - (b) consult the relevant chief constable in preparing the draft plan or variation,
  - (c) send the draft plan or variation to the relevant police and crime panel,
  - (d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 28(3)),
  - (e) give the panel a response to any such report or recommendations, and
  - (f) publish any such response.
- (7) In complying with subsection (6)(c), the police and crime commissioner must ensure that the relevant police and crime panel has a reasonable amount of time to exercise its functions under section 28(3).

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- (8) A police and crime commissioner must consult the relevant chief constable before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).
- (9) A police and crime commissioner must—
- (a) keep the police and crime plan under review, and
  - (b) in particular, review the police and crime plan in the light of—
    - (i) any report or recommendations made to the commissioner by the relevant police and crime panel under section 28(4), and
    - (ii) any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996;
 and exercise the powers under subsection (3) or (4) accordingly.
- (10) A police and crime commissioner who issues or varies a police and crime plan must—
- (a) send a copy of the issued plan, or the variation, to the relevant chief constable and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the relevant police area, and
  - (b) publish a copy of the issued plan, or the variation.
- (11) The duty under subsection (10) to send or publish a copy of the variation may instead be satisfied by sending or publishing a copy of the plan as varied.
- (12) It is for the commissioner to determine the manner in which—
- (a) a response to a report or recommendations is to be published in accordance with subsection (6)(f), and
  - (b) a copy of the plan or variation is to be published in accordance with subsection (10) (b).
- (13) In this section—
- “financial year” means the financial year of the police and crime commissioner;
- “ordinary election”, in relation to the police and crime commissioner for a police area, means an election held under section 50 in relation to that area.

## 6 **Mayor's Office for Policing and Crime to issue police and crime plans**

- (1) The Mayor's Office for Policing and Crime must issue a police and crime plan within the financial year in which each ordinary election is held.
- (2) The Mayor's Office for Policing and Crime must comply with the duty under subsection (1) as soon as practicable after the person elected in the ordinary election takes office.
- (3) The Mayor's Office for Policing and Crime may, at any time, issue a police and crime plan.
- (4) The Mayor's Office for Policing and Crime may vary a police and crime plan.

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- (5) In issuing or varying a police and crime plan, the Mayor's Office for Policing and Crime must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.
- (6) Before issuing or varying a police and crime plan, the Mayor's Office for Policing and Crime must—
  - (a) prepare a draft of the plan or variation,
  - (b) consult the Commissioner of Police of the Metropolis in preparing the draft plan or variation,
  - (c) send the draft plan or variation to the police and crime panel of the London Assembly (see section 32),
  - (d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 33(1)),
  - (e) give the panel a response to any such report or recommendations, and
  - (f) publish any such response.
- (7) In complying with subsection (6)(c), the Mayor's Office for Policing and Crime must ensure that the police and crime panel has a reasonable amount of time to exercise its functions under section 33(1).
- (8) The Mayor's Office for Policing and Crime must consult the Commissioner of Police of the Metropolis before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).
- (9) The Mayor's Office for Policing and Crime must—
  - (a) keep the police and crime plan under review, and
  - (b) in particular, review the police and crime plan in the light of any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996;and exercise the powers under subsection (3) or (4) accordingly.
- (10) The provisions of the 1999 Act set out in subsection (11) apply to the Mayor's Office for Policing and Crime and police and crime plans as the provisions apply to the Mayor of London and the relevant mayoral strategies.
- (11) Those provisions of the 1999 Act are—
  - (a) section 33(1)(b) and (c) (equality of opportunity);
  - (b) section 41(4)(b) and (c), (5), (6)(a) and (b), (7) to (8A), and (10) to (12) (general duties in preparing and revising strategies);
  - (c) section 42(1) and (6) (consultation);
  - (d) section 42A (apart from subsection (2)) (consultation: supplementary provision);
  - (e) section 43 (publicity and availability of strategies);
  - (f) section 44 (directions by the Secretary of State).
- (12) Section 41(5)(b) of the 1999 Act has effect in relation to the Mayor of London as if the police and crime plan were a strategy listed in section 41(1) of the 1999 Act.
- (13) The Mayor of London and the Mayor's Office for Policing and Crime must co-operate with each other in exercising their respective functions under section 41(5)(b) of the 1999 Act.

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(14) In its application by virtue of subsection (11)(e), section 43(2) of the 1999 Act (duty to send copies of current version of police and crime plan) has effect with the insertion after “to each London borough council” of the words “and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the metropolitan police district”.

(15) In this section—

“1999 Act” means the Greater London Authority Act 1999;

“financial year” means the financial year of the Mayor's Office for Policing and Crime;

“ordinary election” means an election of the Mayor of London held under section 3 of the 1999 Act;

“relevant mayoral strategy”, in relation to a provision set out in subsection (11), means a strategy to which the provision applies.

## 7 **Police and crime plans** E+W

(1) A police and crime plan is a plan which sets out, in relation to the planning period, the following matters—

- (a) the elected local policing body's police and crime objectives;
- (b) the policing of the police area which the chief officer of police is to provide;
- (c) the financial and other resources which the elected local policing body is to provide to the chief officer of police for the chief officer to exercise the functions of chief officer;
- (d) the means by which the chief officer of police will report to the elected local policing body on the chief officer's provision of policing;
- (e) the means by which the chief officer of police's performance in providing policing will be measured;
- (f) the crime and disorder reduction grants which the elected local policing body is to make, and the conditions (if any) to which such grants are to be made.

(2) The elected local policing body's police and crime objectives are the body's objectives for—

- (a) the policing of the body's area,
- (b) crime and disorder reduction in that area, and
- (c) the discharge by the relevant police force of its national or international functions.

(3) A police and crime plan has effect from the start of the planning period until—

- (a) the end of that planning period, or
- (b) if another police and crime plan is issued in relation to the elected local policing body's area before the end of that planning period, the day when that other plan first has effect.

(4) The Secretary of State may give guidance to elected local policing bodies about the matters to be dealt with in police and crime plans.

(5) An elected local policing body must have regard to such guidance.



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- (6) Before giving guidance under subsection (4) the Secretary of State must consult—
- (a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
  - (b) the Mayor's Office for Policing and Crime,
  - (c) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
  - (d) such other persons as the Secretary of State thinks fit.
- (7) In this section, in relation to a police and crime plan—
- “financial year” means the financial year of the elected local policing body;
- “ordinary election”—
- (a) in relation to a police and crime commissioner, has the meaning given in section 5;
  - (b) in relation to the Mayor's Office for Policing and Crime, has the meaning given in section 6;
- “planning period”, in relation to a police and crime plan, is the period that—
- (a) begins with—
    - (i) the day on which the plan is issued, or
    - (ii) if a qualifying day is specified in the plan as the day on which the plan is to begin to have effect, that day, and
  - (b) ends with the last day of the financial year in which the next ordinary election is expected to take place after the plan is issued;
- “qualifying day” means a day which meets the following conditions (so far as applicable)—
- (a) the day must fall after the day on which the plan is issued;
  - (b) the day must not fall after the day on which the next ordinary election is expected to take place after the plan is issued;
  - (c) in the case of a plan issued in accordance with the duty in section 5(1) or 6(1), the day must be, or fall before, the first day of the financial year following the financial year in which that duty must be complied with.

#### Commencement Information

**II** S. 7(1)-(5)(6)(b)-(d)(7) in force at 16.1.2012 by [S.I. 2011/3019](#), art. 3, [Sch. 1](#)

## 8 Duty to have regard to police and crime plan **E+W**

- (1) A police and crime commissioner must, in exercising the functions of commissioner, have regard to the police and crime plan issued by the commissioner.
- (2) The chief constable of the police force for a police area listed in Schedule 1 to the Police Act 1996 must, in exercising the functions of chief constable, have regard to the police and crime plan issued by the police and crime commissioner for that police area.

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- (3) The Mayor's Office for Policing and Crime must, in exercising the functions of the Office, have regard to the police and crime plan issued by the Office.
- (4) The Commissioner of Police of the Metropolis must, in exercising the functions of Commissioner, have regard to the police and crime plan issued by the Mayor's Office for Policing and Crime.
- (5) The Secretary of State may give guidance to a person subject to a duty under this section about how that duty is to be complied with.
- (6) A person given such guidance must have regard to the guidance.
- (7) Before giving guidance under subsection (5) the Secretary of State must consult—
  - (a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
  - (b) the Mayor's Office for Policing and Crime,
  - (c) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
  - (d) such other persons as the Secretary of State thinks fit.

#### **Commencement Information**

**12** S. 8(3)-(6)(7)(b)-(d) in force at 16.1.2012 by [S.I. 2011/3019](#), art. 3, [Sch. 1](#)

### **9 Crime and disorder reduction grants** **E+W**

- (1) The elected local policing body for a police area may make a crime and disorder reduction grant to any person.
- (2) A crime and disorder reduction grant is a grant which, in the opinion of the elected local policing body, will secure, or contribute to securing, crime and disorder reduction in the body's area.
- (3) The elected local policing body may make a crime and disorder reduction grant subject to any conditions (including conditions as to repayment) which the body thinks appropriate.

### **10 Co-operative working** **E+W**

- (1) The elected local policing body for a police area must, in exercising its functions, have regard to the relevant priorities of each responsible authority.
- (2) The elected local policing body for a police area, in exercising its functions, and a responsible authority, in exercising its functions conferred by or under section 6 of the Crime and Disorder Act 1998 in relation to that police area, must act in co-operation with each other.
- (3) The elected local policing body for a police area, and the criminal justice bodies which exercise functions as criminal justice bodies in that police area, must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area.

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(4) The references in this section to a responsible authority exercising functions in relation to a police area are references to the responsible authority exercising the functions in relation to a local government area that is comprised, or included, in the police area.

(5) In this section—

“criminal justice body”, in relation to the elected local policing body for a police area, means—

- (a) the chief officer of police for that police area;
- (b) the Crown Prosecution Service;
- (c) the Lord Chancellor, in exercising functions under section 1 of the Courts Act 2003 (duty to ensure efficient and effective courts service);
- (d) a Minister of the Crown, in exercising functions in relation to prisons (within the meaning of the Prison Act 1952);
- (e) a youth offending team established under section 39 of the Crime and Disorder Act 1998;
- (f) a person with whom the Secretary of State has made contractual or other arrangements, under section 3(2) of the Offender Management Act 2007, for the making of probation provision;
- (g) the Secretary of State, in making probation provision in accordance with arrangements made by the Secretary of State under section 3(5) of the Offender Management Act 2007;

“functions” does not include functions which are exercisable only in relation to Wales and relate to matters in relation to which the Welsh Ministers have functions;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“relevant priority”, in relation to a responsible authority, means a priority applicable to the exercise of that authority's functions which is identified by that authority in compliance with a requirement imposed by regulations made under section 6(2) of the Crime and Disorder Act 1998;

“responsible authority” has the same meaning as in section 5 of the Crime and Disorder Act 1998.

### *Information, consultation etc*

## **11 Information for public etc** **E+W**

(1) An elected local policing body—

- (a) must publish specified information; and
- (b) if the time or manner of the publication of that information is specified, must publish it at that time or in that manner.

(2) For that purpose, “specified” means specified by the Secretary of State by order.

(3) An elected local policing body must publish the information which the body considers to be necessary to enable the persons who live in the body's area to assess—

- (a) the performance of the body in exercising the body's functions, and

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- (b) the performance of the relevant chief officer of police in exercising the chief officer's functions.
- (4) The information necessary to enable those persons to assess those matters by reference to a particular time, or a particular period, must be published by the elected local policing body as soon as practicable after that time or the end of that period.
- (5) An elected local policing body may provide (whether by publication or other means) information about—
  - (a) the exercise of the body's functions, and
  - (b) the exercise of the functions of the relevant chief officer of police.

VALID FROM 16/01/2012

## 12 Annual reports **E+W**

- (1) Each elected local policing body must produce a report (an “annual report”) on—
  - (a) the exercise of the body's functions in each financial year, and
  - (b) the progress which has been made in the financial year in meeting the police and crime objectives in the body's police and crime plan.
- (2) As soon as practicable after producing an annual report, the elected local policing body must send the report to the relevant police and crime panel.
- (3) The elected local policing body must attend before the panel at the public meeting arranged by the panel in accordance with section 28(4), to—
  - (a) present the report to the panel, and
  - (b) answer the panel's questions on the report.
- (4) The elected local policing body must—
  - (a) give the panel a response to any report or recommendations on the annual report (see section 28(4)), and
  - (b) publish any such response.
- (5) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with subsection (4)(b).
- (6) An elected local policing body must arrange for each annual report to be published.
- (7) It is for the elected local policing body to determine the manner in which an annual report is to be published.

VALID FROM 16/01/2012

## 13 Information for police and crime panels **E+W**

- (1) An elected local policing body must provide the relevant police and crime panel with any information which the panel may reasonably require in order to carry out its functions.

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- (2) But subsection (1) does not require the elected local policing body to provide information if disclosure of the information—
- (a) would, in the view of the chief officer of police, be against the interests of national security,
  - (b) might, in the view of the chief officer of police, jeopardise the safety of any person,
  - (c) might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or
  - (d) is prohibited by or under any enactment.
- (3) An elected local policing body may provide the relevant police and crime panel with any other information which the body thinks appropriate.

VALID FROM 16/01/2012

#### 14 **Arrangements for obtaining the views of the community on policing** E +W

- (1) Section 96 of the Police Act 1996 (arrangements for obtaining the views of the community on policing) is amended in accordance with this section.
- (2) In subsection (1), after paragraph (b) insert “;
- and for obtaining the views of victims of crime in that area about matters concerning the policing of the area.”.
- (3) After subsection (1) insert—
- “(1A) Those arrangements must include, in the case of—
- (a) a police area listed in Schedule 1, or
  - (b) the metropolitan police district,
- arrangements for obtaining, before a police and crime plan is issued under section 5 or 6 of the Police Reform and Social Responsibility Act 2011, the views of the people in that police area, and the views of the victims of crime in that area, on that plan.
- (1B) Those arrangements must include, in the case of a police area listed in Schedule 1, arrangements for obtaining, before the first precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992, the views of—
- (a) the people in that police area, and
  - (b) the relevant ratepayers' representatives,
- on the proposals of the police and crime commissioner for expenditure (including capital expenditure) in that financial year.
- (1C) Those arrangements must include, in the case of the metropolitan police district, arrangements for obtaining, before the first calculations in relation to the Mayor's Office for Policing and Crime are made for a financial year under section 85 of the Greater London Authority Act 1999, the views of—
- (a) the people in the metropolitan police district, and

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(b) the relevant ratepayers' representatives,  
 on the proposals of the Mayor's Office for Policing and Crime for  
 expenditure (including capital expenditure) in that financial year.”.

(4) For subsection (2) substitute—

“(2) Arrangements under this section are to be made by the local policing body  
 for the police area, after consulting the chief officer of police for that area.”.

(5) Before subsection (6) insert—

“(5A) In subsections (1B) and (1C) “relevant ratepayers' representatives”, in  
 relation to a police area listed in Schedule 1, or the metropolitan police  
 district, means the persons or bodies who appear to the elected local  
 policing body for that area or district to be representative of persons subject  
 to non-domestic rates under sections 43 and 45 of the Local Government  
 Finance Act 1988 as regards hereditaments situated in that area or district.

(5B) In determining which persons or bodies are relevant ratepayers'  
 representatives, an elected local policing body must have regard to any  
 guidance given by the Secretary of State.”.

(6) Omit subsections (6) to (10).

*Other provisions about functions*

VALID FROM 16/01/2012

**15 Supply of goods and services** E+W

- (1) Subsections (1), (2) and (3) of section 1 of the 1970 Act (supply of goods and services by local authorities) apply, with the modification set out in subsection (2), to each elected local policing body as they apply to a local authority.
- (2) In those subsections, references to a public body (within the meaning of that section) are to be read as references to any person.
- (3) An elected local policing body may not enter into an agreement with another elected local policing body, or with the Common Council of the City of London in its capacity as a police authority, under section 1 of the 1970 Act in respect of a matter which could be the subject of force collaboration provision in a collaboration agreement under section 22A of the Police Act 1996.
- (4) In this section “1970 Act” means the Local Authorities (Goods and Services) Act 1970.

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

VALID FROM 16/01/2012

**16 Appointment of persons not employed by elected local policing bodies** **E**  
**+W**

- (1) This section applies where an elected local policing body is required or authorised by any Act—
  - (a) to appoint a person to a specified post in the body, or
  - (b) to designate a person as having specified duties or responsibilities.
- (2) The elected local policing body may appoint or designate a person whether or not the person is already a member of staff of the body.
- (3) Subsection (2) has effect in spite of any provision to the contrary in the Act that is mentioned in subsection (1).

**17 Duties when carrying out functions** **E+W**

- (1) In carrying out functions, an elected local policing body must have regard to the views of people in the body's area about policing in that area.
- (2) In carrying out functions in a particular financial year, an elected local policing body must have regard to any report or recommendations made by the relevant police and crime panel on the annual report for the previous financial year (see section 28(4)).
- (3) Subsection (2) does not affect any exercise of the functions of the elected local policing body in any part of a particular financial year that falls—
  - (a) before the body has received a report or recommendations on the annual report for the previous financial year, or
  - (b) during the period after receipt of a report or recommendations when the body is considering the report or recommendations.
- (4) In carrying out functions, an elected local policing body must have regard to any financial code of practice issued by the Secretary of State.
- (5) The Secretary of State may from time to time revise the whole or any part of any financial code of practice.
- (6) The Secretary of State must lay before Parliament a copy of—
  - (a) any financial code of practice, and
  - (b) any revision of a financial code of practice.
- (7) In this section “financial code of practice” means a code of practice relating to the proper administration by elected local policing bodies of their financial affairs.
- (8) This section is in addition to the duty under section 8 to have regard to the police and crime plan.

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VALID FROM 22/11/2012

## 18 Delegation of functions by police and crime commissioners **E+W**

- (1) The police and crime commissioner for a police area may—
  - (a) appoint a person as the deputy police and crime commissioner for that police area, and
  - (b) arrange for the deputy police and crime commissioner to exercise any function of the police and crime commissioner.
- (2) A police and crime commissioner may arrange for any person (who is not the deputy police and crime commissioner) to exercise any function of the commissioner.
- (3) But a police and crime commissioner may not—
  - (a) appoint a person listed in subsection (6) as the deputy police and crime commissioner;
  - (b) arrange for the deputy police and crime commissioner to exercise a function listed in subsection (7)(a), (e) or (f);
  - (c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
  - (d) arrange, under subsection (2), for any person to exercise a function listed in subsection (7).
- (4) A deputy police and crime commissioner may arrange for any other person to exercise any function of the police and crime commissioner which is, in accordance with subsection (1)(b), exercisable by the deputy police and crime commissioner.
- (5) But the deputy police and crime commissioner may not arrange for a person to exercise a function if—
  - (a) the person is listed in subsection (6), or
  - (b) the function is listed in subsection (7).
- (6) The persons referred to in subsections (3)(a) and (c) and (5) are—
  - (a) a constable (whether or not in England and Wales);
  - (b) a police and crime commissioner;
  - (c) the Mayor's Office for Policing and Crime;
  - (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;
  - (e) the Mayor of London;
  - (f) the Common Council of the City of London;
  - (g) any other person or body which maintains a police force;
  - (h) a member of the staff of a person falling within any of paragraphs (a) to (g).
- (7) The functions referred to in subsection (3) are—
  - (a) issuing a police and crime plan (see section 5);
  - (b) determining police and crime objectives (see section 7);
  - (c) attendance at a meeting of a police and crime panel in compliance with a requirement by the panel to do so (see section 29);
  - (d) preparing an annual report to a policing and crime panel (see section 12);



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- (e) appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign (see section 38);
  - (f) calculating a [<sup>F1</sup>council tax requirement or a] budget requirement (see section [<sup>F2</sup>42A or] 43 of the Local Government Finance Act 1992).
- (8) If a function of a police and crime commissioner is exercisable by any other person in accordance with this section, any property or rights vested in the commissioner may be dealt with by the other person in exercising the function, as if vested in that person.
- (9) Subsection (2) applies whether or not there is a deputy police and crime commissioner.
- (10) The deputy police and crime commissioner is a member of the police and crime commissioner's staff.
- (11) For further provision about the appointment of a deputy police and crime commissioner, see paragraphs 8 to 12 of Schedule 1.

#### Textual Amendments

- F1** Words in s. 18(7)(f) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 7 para. 53\(a\)](#); [S.I. 2011/2896](#), art. 2(i)
- F2** Words in s. 18(7)(f) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 7 para. 53\(b\)](#); [S.I. 2011/2896](#), art. 2(i)

VALID FROM 16/01/2012

## 19 Delegation of functions by Mayor's Office for Policing and Crime **E+W**

- (1) The Mayor's Office for Policing and Crime may—
- (a) appoint a person as the Deputy Mayor for Policing and Crime, and
  - (b) arrange for the Deputy Mayor for Policing and Crime to exercise any function of the Mayor's Office for Policing and Crime.
- (2) The Mayor's Office for Policing and Crime may arrange for a person (who is not the Deputy Mayor for Policing and Crime) to exercise any function of the Mayor's Office for Policing and Crime.
- (3) But the Mayor's Office for Policing and Crime may not—
- (a) appoint a person listed in subsection (6) as the Deputy Mayor for Policing and Crime;
  - (b) arrange for the Deputy Mayor for Policing and Crime to exercise a function listed in subsection (7) (a), (e), (f), (g) or (h);
  - (c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
  - (d) arrange, under subsection (2), for a person to exercise a function listed in subsection (7).
- (4) The Deputy Mayor for Policing and Crime may arrange for any other person to exercise any function of the Mayor's Office for Policing and Crime which is, in

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- accordance with subsection (1)(b), exercisable by the Deputy Mayor for Policing and Crime.
- (5) But the Deputy Mayor for Policing and Crime may not arrange for a person to exercise a function if—
- (a) the person is listed in subsection (6), or
  - (b) the function is listed in subsection (7).
- (6) The persons referred to in subsections (3)(a) and (c) and (5) are—
- (a) a constable (whether or not in England and Wales);
  - (b) a police and crime commissioner;
  - (c) the Mayor of London;
  - (d) the Common Council of the City of London;
  - (e) any other person or body which maintains a police force;
  - (f) a member of the staff of a person falling within any of paragraphs (a) to (e).
- (7) The functions mentioned in subsection (3) are—
- (a) issuing a police and crime plan (see section 6);
  - (b) determining police and crime objectives (see section 7);
  - (c) attendance at a meeting of the police and crime panel of the London Assembly in compliance with a requirement by the panel to do so (see section 29);
  - (d) preparing an annual report to the policing and crime panel of the London Assembly (see section 12);
  - (e) making recommendations in relation to the appointment of a Commissioner of Police of the Metropolis under section 42;
  - (f) making representations in relation to the appointment of a Deputy Commissioner of Police of the Metropolis under section 45;
  - (g) being consulted in relation to the appointment or removal of an Assistant Commissioner of Police of the Metropolis, a Deputy Assistant Commissioner of Police of the Metropolis, or a Commander (see sections 45, 46, 47 and 49);
  - (h) suspending the Commissioner, or Deputy Commissioner, of Police of the Metropolis, or calling upon the Commissioner, or Deputy Commissioner, to retire or resign (see section 48).
- (8) If a function of the Mayor's Office for Policing and Crime is exercisable by a person in accordance with subsection (1), (2) or (4), any property or rights vested in the Office may be dealt with by the other person in exercising the function, as if vested in that person.
- (9) Subsection (2) applies whether or not there is a Deputy Mayor for Policing and Crime.
- (10) The Deputy Mayor for Policing and Crime is a member of the staff of the Mayor's Office for Policing and Crime.
- (11) But that is subject to paragraph 4(4) of Schedule 3 (Deputy Mayor an Assembly member).
- (12) The appointment of the Deputy Mayor for Policing and Crime is subject to Schedule 4A to the Greater London Authority Act 1999.

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(13) For further provision about the appointment of the Deputy Mayor for Policing and Crime, see paragraph 4 of Schedule 3.

VALID FROM 16/01/2012

## 20 Deputy Mayor for Policing and Crime: confirmation hearings **E+W**

(1) The Greater London Authority Act 1999 is amended in accordance with this section.

(2) In section 60A (confirmation hearings etc for certain appointments by the Mayor)

- (a) in the title, at the end insert “ **or Mayor's Office for Policing and Crime** ”;
- (b) in subsection (3), omit the entry relating to the chairman and vice chairman of the Metropolitan Police Authority;
- (c) for subsection (4) substitute—

“(4) This section also applies in any case where the Mayor's Office for Policing and Crime proposes to make an appointment, under section 19 of the Police Reform and Social Responsibility Act 2011, of a person to be the Deputy Mayor for Policing and Crime.”.

(3) In Schedule 4A (confirmation hearings etc)—

- (a) in paragraph 1 (application of Schedule), after sub-paragraph (2) insert—

“(3) This Schedule also has effect where the Mayor's Office for Policing and Crime proposes to make an appointment, under section 19 of the Police Reform and Social Responsibility Act 2011, of a person to be the Deputy Mayor for Policing and Crime.

(4) In the application of this Schedule in relation to such an appointment, references to the Mayor are to be read as references to the Mayor's Office for Policing and Crime.

(5) Paragraph 9 does not apply in relation to such an appointment (but see section 32 of the Police Reform and Social Responsibility Act 2011).

(6) Paragraph 10 applies in relation to such an appointment if the candidate is not a member of the London Assembly.

(7) Paragraphs 2, 4 and 5 are subject to paragraph 10.”;

- (b) after paragraph 9 insert—

“10

(1) The London Assembly may veto the appointment of the candidate as Deputy Mayor for Policing and Crime if the candidate is not a member of the London Assembly.

(2) The exercise of that power of veto in relation to an appointment is not valid unless the London Assembly—

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- (a) has held a confirmation meeting in relation to the appointment before the exercise of the power; and
  - (b) notifies the Mayor's Office for Policing and Crime of the veto within the period of 3 weeks described in paragraph 4(3).
- (3) If the London Assembly vetoes the appointment of the candidate, the Mayor's Office for Policing and Crime must not appoint the candidate.
- (4) References in this Schedule to the London Assembly vetoing the appointment of a candidate are references to the Assembly making a decision, by the required majority, that the candidate should not be appointed as Deputy Mayor for Policing and Crime.
- (5) For that purpose, the London Assembly makes that decision by the required majority if at least two-thirds of the votes given in making that decision are votes in favour of making that decision.”

VALID FROM 16/01/2012

*Financial matters*

**21 Police fund** E+W

- (1) Each elected local policing body must keep a fund to be known as the police fund.
- (2) All of an elected local policing body's receipts must be paid into the relevant police fund.
- (3) All of an elected local policing body's expenditure must be paid out of the relevant police fund.
- (4) An elected local policing body must keep accounts of payments made into or out of the relevant police fund.
- (5) Subsections (2) and (3) are subject to any regulations under the Police Pensions Act 1976.
- (6) In this section “relevant police fund”, in relation to an elected local policing body, means the police fund which that body keeps.

VALID FROM 22/11/2012

**22 Minimum budget for police and crime commissioner** E+W

- (1) Section 41 of the Police Act 1996 (directions as to minimum budget) is amended as follows.
- (2) In subsection (1)—
  - (a) for “a police authority established under section 3” substitute “ a police and crime commissioner ”;

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*Changes to legislation:* There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

- (b) for “the authority” substitute “ the commissioner ”;  
[<sup>F3</sup>(c) for “its” substitute “the commissioner's”.]

(3) After subsection (1) insert—

“(1A) But the Secretary of State may not give a direction to the police and crime commissioner for a police area by virtue of subsection (1) unless the Secretary of State is satisfied that it is necessary to give the direction in order to prevent the safety of people in that police area from being put at risk.”.

(4) In subsection (4)—

- (a) for “a police authority” substitute “ a police and crime commissioner ”;  
(b) for “the authority” substitute “ the commissioner ”.

#### Textual Amendments

**F3** S. 22(2)(c) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 7 para. 54](#); S.I. 2011/2896, art. 2(i)

### 23 **Minimum budget for Mayor's Office for Policing and Crime** **E+W**

- (1) The Greater London Authority Act 1999 is amended as follows.
- (2) Section 95 (minimum budget for Metropolitan Police Authority) is amended in accordance with subsections (3) to (7).
- (3) In the title, for “**Metropolitan Police Authority**” substitute “ **Mayor's Office for Policing and Crime** ”.
- (4) In subsection (1), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.
- (5) In subsection (2), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.
- (6) After subsection (2) insert—
- “(2A) But the Secretary of State may not give a direction to the Authority under subsection (2) unless the Secretary of State is satisfied that it is necessary to give the direction in order to prevent the safety of people in the metropolitan police district from being put at risk.”.
- (7) In subsections (3), (4) and (7), for “Metropolitan Police Authority” (in each place) substitute “ Mayor's Office for Policing and Crime ”.
- (8) In section 96 (provisions supplemental to section 95), in subsection (6), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.

### 24 **Police grant** **E+W**

- (1) Section 46 of the Police Act 1996 (police grant) is amended as follows.

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- (2) In subsection (1)—
- (a) for paragraph (a) substitute—
    - “(a) police and crime commissioners,
    - (aa) the Common Council, and”;
  - (b) for the words after paragraph (b) substitute—
    - “and in those provisions a reference to a grant recipient is a reference to a police and crime commissioner, the Common Council or the Greater London Authority.”.
- (3) In subsection (2)(b), for “authority” substitute “ grant recipient ”.
- (4) In subsection (4), for “police authorities” substitute “ grant recipients ”.
- (5) In subsection (5), for “different authorities or different classes of authority” substitute “ different grant recipients or different classes of grant recipient ”.
- (6) In subsection (7), for “police authority” substitute “ grant recipient ”.
- (7) In subsection (7A)—
- (a) for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”;
  - (b) for “that Authority” substitute “ that Office ”.
- (8) In subsection (8)—
- (a) for “an authority's” substitute “ a grant recipient's ”;
  - (b) for “the authority” substitute “ the grant recipient ”;
  - (c) for “an authority” substitute “ a grant recipient ”.
- (9) In subsection (9), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.

## **25 Other grants etc under Police Act 1996** E+W

- (1) The Police Act 1996 is amended as follows.
- (2) In section 47 (grants for capital expenditure)—
- (a) in subsection (1), for the words from “by” to “Authority”, substitute “ by local policing bodies ”;
  - (b) in subsection (4), for “by virtue of subsection (1)(b)” substitute “ under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime ”;
  - (c) in subsection (5)—
    - (i) for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”;
    - (ii) for “that Authority” substitute “ that Office ”.
- (3) In section 48 (grants for expenditure on safeguarding national security)—
- (a) in subsection (1), for the words from “by” to “security”, substitute “ by local policing bodies in connection with safeguarding national security ”;
  - (b) in subsection (4), for “by virtue of subsection (1)(b)” substitute “ under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime ”;

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- (c) in subsection (5)—
- (i) for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”;
  - (ii) for “that Authority” substitute “ that Office ”.
- (4) In section 92 (grants by local authorities)—
- (a) in subsection (1), for “police authority established under section 3” substitute “ police and crime commissioner ”;
  - (b) in subsection (2), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.
- (5) In section 93 (acceptance of gifts or loans)—
- (a) in subsection (1), for “police authority” substitute “ local policing body ”;
  - (b) in subsection (2), for “police authority” substitute “ local policing body ”.
- (6) Section 94 (financing of new police authorities) is amended as follows.
- (7) In the title, for “**police authorities**” substitute “ **police and crime commissioners** ”.
- (8) In subsection (1)—
- (a) for “police authority established under section 3” substitute “ police and crime commissioner ”;
  - (b) for “it” substitute “ the commissioner ”.
- (9) In subsection (2)—
- (a) for “police authority established under section 3” substitute “ police and crime commissioner ”;
  - (b) for “it” substitute “ the commissioner ”;
  - (c) for “its” (in both places) substitute “ the commissioner's ”.
- (10) In subsection (3)—
- (a) for “an authority” substitute “ a commissioner ”;
  - (b) for “its” substitute “ the commissioner's ”.
- (11) In subsection (4)—
- (a) for “a police authority” substitute “ a police and crime commissioner ”;
  - (b) for “it” (in both places) substitute “ the commissioner ”.

#### Commencement Information

**I3** S. 25(1)-(3)(4)(b)(5) in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

VALID FROM 22/11/2012

#### 26 Precepts **E+W**

- (1) The Local Government Finance Act 1992 is amended in accordance with subsections (2) and (3).

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- (2) In section 39 (precepting and precepted authorities), in subsection (1) (major precepting authorities), for paragraph (b) substitute—  
 “(b) a police and crime commissioner;”.
- (3) In section 65 (duty to consult ratepayers), in subsection (3) (definition of relevant authority), after “major precepting authority” insert “, apart from a police and crime commissioner”.
- (4) Schedule 5 (issuing precepts) has effect.

## 27 Other grants etc **E+W**

- (1) Section 155 of the Local Government and Housing Act 1989 (emergency financial assistance to local authorities) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1A) (grants to GLA functional bodies), for paragraph (b) substitute—  
 “(b) the Mayor's Office for Policing and Crime, or”.
- (3) In subsection (4) (meaning of local authority), for paragraph (ea) substitute—  
 “(ea) a police and crime commissioner;”.
- (4) In section 33 of the Local Government Act 2003 (interpretation of Chapter 1 of Part 3: expenditure grant), in subsection (1) (meaning of local authority), for paragraph (m) substitute—  
 “(m) a police and crime commissioner.”.

## CHAPTER 4 **E+W**

### ACCOUNTABILITY OF ELECTED LOCAL POLICING BODIES

VALID FROM 25/04/2012

#### *Scrutiny of police and crime commissioners*

## 28 Police and crime panels outside London **E+W**

- (1) Each police area, other than the metropolitan police district, is to have a police and crime panel established and maintained in accordance with Schedule 6 (police and crime panels).
- (2) The functions of the police and crime panel for a police area must be exercised with a view to supporting the effective exercise of the functions of the police and crime commissioner for that police area.
- (3) A police and crime panel must—



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- (a) review the draft police and crime plan, or draft variation, given to the panel by the relevant police and crime commissioner in accordance with section 5(6)(c), and
  - (b) make a report or recommendations on the draft plan or variation to the commissioner.
- (4) A police and crime panel must—
- (a) arrange for a public meeting of the panel to be held as soon as practicable after the panel is sent an annual report under section 12,
  - (b) ask the police and crime commissioner, at that meeting, such questions about the annual report as the members of the panel think appropriate,
  - (c) review the annual report, and
  - (d) make a report or recommendations on the annual report to the commissioner.
- (5) A police and crime panel has the functions conferred by Schedules 1 (procedure for appointments of senior staff), 5 (issuing precepts) and 8 (procedure for appointments by police and crime commissioners).
- (6) A police and crime panel must—
- (a) review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions; and
  - (b) make reports or recommendations to the relevant police and crime commissioner with respect to the discharge of the commissioner's functions, insofar as the panel is not otherwise required to do so by subsection (3) or (4) or by Schedule 1, 5 or 8.
- (7) A police and crime panel must publish any reports or recommendations made to the relevant police and crime commissioner.
- (8) The police and crime panel for a police area in England must send copies of any such reports or recommendations to each local authority whose area falls wholly or partly within the police area.
- (9) It is for the police and crime panel to determine the manner in which reports or recommendations are to be published in accordance with subsection (7).
- (10) Schedule 6 (police and crime panels) has effect.
- (11) In this section “local authority” means a county council or a district council.

VALID FROM 22/11/2012

## 29 Power to require attendance and information **E+W**

- (1) A police and crime panel may require the relevant police and crime commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.
- (2) Nothing in subsection (1) requires a member of the police and crime commissioner's staff to give any evidence, or produce any document, which discloses advice given to the commissioner by that person.

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- (3) A police and crime panel may require the relevant police and crime commissioner to respond in writing (within a reasonable period determined by the panel) to any report or recommendation made by the panel to the commissioner.
- (4) The police and crime commissioner must comply with any requirement imposed by the panel under subsection (1) or (3).
- (5) Members of the staff of the police and crime commissioner must comply with any requirement imposed on them under subsection (1).
- (6) If a police and crime panel requires the relevant police and crime commissioner to attend before the panel, the panel may (at reasonable notice) request the relevant chief constable to attend before the panel on the same occasion to answer any question which appears to the panel to be necessary in order for it to carry out its functions.

VALID FROM 22/11/2012

### **30 Suspension of police and crime commissioner** E+W

- (1) A police and crime panel may suspend the relevant police and crime commissioner if it appears to the panel that—
  - (a) the commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
  - (b) the offence is one which carries a maximum term of imprisonment exceeding two years.
- (2) The suspension of the police and crime commissioner ceases to have effect upon the occurrence of the earliest of these events—
  - (a) the charge being dropped;
  - (b) the police and crime commissioner being acquitted of the offence;
  - (c) the police and crime commissioner being convicted of the offence but not being disqualified under section 66 by virtue of the conviction;
  - (d) the termination of the suspension by the police and crime panel.
- (3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the police and crime commissioner is to be treated as not holding that office during that suspension.
- (4) In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references—
  - (a) to an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
  - (b) to an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

**Status:** Point in time view as at 15/11/2011. This version of this part contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

## Conduct

### 31 Conduct **E+W**

- (1) The Secretary of State may, by regulations, make provision about—
  - (a) the making and handling of complaints about the conduct of relevant office holders (“qualifying complaints”);
  - (b) the recording of matters in the case of which there is an indication (whether from the circumstances or otherwise) that a relevant office holder may have committed a criminal offence (“conduct matters”);
  - (c) the manner in which qualifying complaints and conduct matters are investigated or otherwise dealt with.
- (2) Schedule 7 (regulations about complaints and conduct matters) has effect.
- (3) In this section and that Schedule “relevant officer holder” means the holder of any of the following offices—
  - (a) police and crime commissioner;
  - (b) deputy police and crime commissioner;
  - (c) the Mayor's Office for Policing and Crime;
  - (d) Deputy Mayor for Policing and Crime.

#### Commencement Information

**I4** S. 31 in force at 31.10.2011 by S.I. 2011/2515, art. 2(a)

VALID FROM 16/01/2012

### *Scrutiny of Mayor's Office for Policing and Crime*

### 32 London Assembly police and crime panel **E+W**

- (1) The London Assembly must arrange for the functions referred to in subsection (2) to be discharged on its behalf by a particular committee of the Assembly (the “police and crime panel”).
- (2) Those functions (“the police and crime panel functions”) are—
  - (a) the functions conferred on the Assembly by section 33;
  - (b) the functions conferred on the Assembly by section 60A of, and Schedule 4A to, the 1999 Act in relation to the appointment of the Deputy Mayor for Policing and Crime by the Mayor's Office for Policing and Crime.
- (3) The London Assembly may not arrange for the police and crime panel functions to be discharged on its behalf otherwise than in accordance with subsection (1).
- (4) The London Assembly may not arrange for any of its other functions to be discharged by the police and crime panel.
- (5) The special scrutiny functions may only be exercised at a meeting of the whole panel; but that is without prejudice to rules of procedure about the quorum of a meeting of the whole panel.

*Status: Point in time view as at 15/11/2011. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

- (6) The enactments applying to committees of the London Assembly, apart from the excluded provisions, apply to the police and crime panel as if the police and crime panel functions were to be discharged by the panel by virtue of arrangements under section 54(1)(a) of the 1999 Act.
- (7) In subsection (6), “excluded provisions” means the following provisions of the 1999 Act—
  - (a) section 54(5), so far as it provides for the London Assembly to retain power to exercise functions delegated to a committee;
  - (b) section 55 (Assembly committees and sub-committees).
- (8) The enactments conferring, or relating to, the police and crime panel functions are to be read with the appropriate modifications; in particular—
  - (a) references to the London Assembly are to be read as references to the police and crime panel; and
  - (b) references to proceedings of the London Assembly are to be read as references to proceedings of the police and crime panel.
- (9) For the purposes of subsection (8), references to the police and crime panel include references to a sub-committee or member (if any) by whom functions are to be discharged in accordance with section 54(3) of the 1999 Act.
- (10) The following provisions apply to the police and crime panel—
  - (a) the number of members of the panel, and their term of office, are to be fixed by the London Assembly;
  - (b) persons who are not members of the London Assembly may be members of the panel.
- (11) The following provisions apply to any sub-committee by which police and crime panel functions are to be discharged—
  - (a) the number of members of the sub-committee, and their term of office, are to be fixed by the police and crime panel;
  - (b) persons who are not members of the London Assembly may be members of the sub-committee.
- (12) The police and crime panel functions must be exercised with a view to supporting the effective exercise of the functions of the Mayor's Office for Policing and Crime.
- (13) In this section—
  - “1999 Act” means the Greater London Authority Act 1999;
  - “special scrutiny functions” means the functions conferred—
    - (a) by section 33(1), or
    - (b) by section 60A of, and Schedule 4A to, the 1999 Act in relation to the appointment of the Deputy Mayor for Policing and Crime by the Mayor's Office for Policing and Crime.

### **33 Functions to be discharged by police and crime panel** E+W

- (1) The London Assembly must—
  - (a) review the draft police and crime plan, or draft variation, given to the Assembly by the Mayor's Office for Policing and Crime in accordance with section 6(6)(c), and

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

- (b) make a report or recommendations on the draft plan or variation to the Mayor's Office for Policing and Crime.
- (2) The London Assembly must keep under review the exercise of the functions of the Mayor's Office for Policing and Crime, insofar as the Assembly is not otherwise required to do so by the other provisions of this section or by Schedule 4A to the 1999 Act.
- (3) For the purposes of subsection (2), the powers of the London Assembly include, in particular, power to investigate, and prepare reports about—
  - (a) any actions and decisions of the Mayor's Office for Policing and Crime;
  - (b) any actions and decisions of the Deputy Mayor for Policing and Crime;
  - (c) any actions and decisions of a member of staff of the Mayor's Office for Policing and Crime;
  - (d) matters relating to the functions of the Mayor's Office for Policing and Crime;
  - (e) matters in relation to which the functions of the Mayor's Office for Policing and Crime are exercisable; or
  - (f) any other matters which the Assembly considers to be of importance to policing and crime reduction in the metropolitan police district.
- (4) The London Assembly may submit proposals to the Mayor's Office for Policing and Crime.
- (5) The London Assembly may require a person referred to in subsection (6)—
  - (a) to attend proceedings of the Assembly for the purpose of giving evidence, or
  - (b) to produce to the Assembly documents in the person's possession or under the person's control.
- (6) Those persons are—
  - (a) the Deputy Mayor for Policing and Crime;
  - (b) any member of the staff of the Mayor's Office for Policing and Crime;
  - (c) the person who is the occupant of the Mayor's Office for Policing and Crime;
  - (d) any person who has within the 8 years prior to the date of the requirement to be imposed under subsection (5) been the Deputy Mayor for Policing and Crime or the occupant of the Mayor's Office for Policing and Crime.
- (7) Nothing in subsection (5) requires a member of the staff of the Mayor's Office for Policing and Crime to give any evidence, or produce any document, which discloses advice given to the Mayor's Office for Policing and Crime by that person.
- (8) If the London Assembly requires the Deputy Mayor for Policing and Crime, or the person who is the occupant of the Mayor's Office for Policing and Crime, to attend proceedings, the Assembly may (at reasonable notice) request the Commissioner of Police of the Metropolis to attend proceedings on the same occasion for the purpose of giving evidence.
- (9) The following provisions of the 1999 Act apply (with appropriate modifications) to a requirement under subsection (5) as they apply to a requirement under section 61(1) of the 1999 Act—
  - (a) section 61(14) (meaning of document etc);
  - (b) section 62(3) to (6) (procedure for requiring attendance);
  - (c) section 63 (restriction of information);

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- (d) section 64 (failure to attend proceedings);
- (e) section 65 (openness).

(10) In this section “1999 Act” means the Greater London Authority Act 1999.

VALID FROM 16/01/2012

## CHAPTER 5 **E+W**

### POLICE FORCES IN AREAS WITH ELECTED LOCAL POLICING BODIES

#### *Chief officers of police*

#### **34 Engagement with local people **E+W****

- (1) A chief officer of police must make arrangements for obtaining the views of persons within each neighbourhood in the relevant police area about crime and disorder in that neighbourhood.
- (2) A chief officer of police must make arrangements for providing persons within each neighbourhood in the relevant police area with information about policing in that neighbourhood (including information about how policing in that neighbourhood is aimed at dealing with crime and disorder there).
- (3) Arrangements under this section must provide for, or include arrangements for, the holding in each neighbourhood of regular meetings between—
  - (a) persons within that neighbourhood, and
  - (b) police officers with responsibility for supervising or carrying out policing in that neighbourhood.
- (4) It is for a chief officer of police to determine what the neighbourhoods are in the relevant police area.

#### **35 Value for money **E+W****

- (1) In exercising functions, a chief officer of police must secure that good value for money is obtained.
- (2) That includes securing that the persons under the direction and control of the chief officer of police obtain good value for money in exercising their functions.

#### **36 Information for elected local policing bodies **E+W****

- (1) A chief officer of police must give the relevant elected local policing body such information on policing matters that the body may require the chief officer to give.
- (2) Such information must be in the form (if any) specified by the elected local policing body.
- (3) The elected local policing body may—
  - (a) arrange for such information to be published, or

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- (b) require the chief officer of police to arrange for such information to be published.
- (4) It is for the elected local policing body to determine the manner in which information is to be published in accordance with subsection (3) (a) or (b).
- (5) In this section “policing matters” means matters connected with the policing of the relevant police area.

### **37 Appointment of persons not employed by chief officers of police** **E+W**

- (1) This section applies where a chief officer of police is required or authorised by any Act—
  - (a) to appoint a person to a specified post in the relevant police force, or a specified post in the civilian staff of the relevant police force, or
  - (b) to designate a person as having specified duties or responsibilities.
- (2) The chief officer of police may appoint or designate a person whether or not the person is already a member of staff of the police force.
- (3) Subsection (2) has effect in spite of any provision to the contrary in the Act that is mentioned in subsection (1).

VALID FROM 22/11/2012

#### *Police forces outside London*

### **38 Appointment, suspension and removal of chief constables** **E+W**

- (1) The police and crime commissioner for a police area is to appoint the chief constable of the police force for that area.
- (2) The police and crime commissioner for a police area may suspend from duty the chief constable of the police force for that area.
- (3) The police and crime commissioner for a police area may call upon the chief constable of the police force for that area to resign or retire.
- (4) The chief constable must retire or resign if called upon to do so by the relevant police and crime commissioner in accordance with subsection (3).
- (5) Schedule 8 (appointment, suspension and removal of senior police officers) has effect.
- (6) This section is subject to Parts 1 and 2 of Schedule 8.
- (7) This section and Schedule 8 are subject to regulations under section 50 of the Police Act 1996.

### **39 Deputy chief constables** **E+W**

- (1) Each police force must have one or more deputy chief constables.

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

- (2) The chief constable of a police force must consult the relevant police and crime commissioner before increasing the number of deputy chief constables which the force has.
- (3) The chief constable of a police force must consult the relevant police and crime commissioner before appointing a person to be a deputy chief constable of the force.
- (4) The chief constable of a police force may suspend from duty a deputy chief constable of that police force.
- (5) The chief constable of a police force may call upon a deputy chief constable of that police force to resign or retire.
- (6) A deputy chief constable must resign or retire if called upon to do so by the chief constable in accordance with subsection (5).
- (7) Subsections (3) to (6) are subject to regulations under section 50 of the Police Act 1996.
- (8) Subsections (4) to (6) are subject to Part 3 of Schedule 8 (suspension and removal of other senior police officers).
- (9) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

#### **40 Assistant chief constables** **E+W**

- (1) Each police force must have one or more assistant chief constables.
- (2) The chief constable of a police force must consult the relevant police and crime commissioner before appointing a person as an assistant chief constable of the force.
- (3) The chief constable of a police force may suspend from duty an assistant chief constable of that police force.
- (4) The chief constable of a police force may call upon an assistant chief constable of that police force to resign or retire.
- (5) An assistant chief constable must resign or retire if called upon to do so by the chief constable in accordance with subsection (4).
- (6) Subsections (2) to (5) are subject to regulations under section 50 of the Police Act 1996.
- (7) Subsections (3) to (5) are subject to Part 3 of Schedule 8 (suspension and removal of other senior police officers).
- (8) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

#### **41 Power of deputy to exercise functions of chief constable** **E+W**

- (1) The appropriate deputy chief constable of a police force may exercise or perform any or all of the functions of the chief constable of the force—



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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

- (a) during any period when the chief constable is unable to exercise functions, or
  - (b) at any other time, with the consent of the chief constable.
- (2) For the purposes of subsection (1), the appropriate deputy chief constable is—
- (a) if the police force has only one deputy chief constable, the deputy chief constable;
  - (b) if the police force has more than one deputy chief constable, the most senior deputy chief constable.
- (3) If the police force has more than one deputy chief constable, the chief constable must designate the deputy chief constables in order of seniority for the purposes of subsection (2)(b).
- (4) During any absence, incapacity or suspension from duty of the person who—
- (a) is designated as the most senior deputy chief constable for the purposes of subsection (2)(b), or
  - (b) is treated under this section as the most senior deputy chief constable, the person designated as the next most senior deputy chief constable is to be treated as the most senior one for the purposes of subsection (2)(b).
- (5) The assistant chief constable designated for this purpose by the chief constable of the force may exercise any or all of the chief constable's functions during any period when—
- (a) the chief constable is unable to exercise functions, and
  - (b) a deputy chief constable is unable to exercise functions.
- (6) The chief constable of the force must designate an assistant chief constable of the force for the purposes of subsection (5).
- (7) Only one person is authorised to act at any one time by virtue of a designation by the chief constable.
- (8) The chief constable must consult the relevant police and crime commissioner before making a designation for the purposes of subsection (2)(b) or (5).
- (9) This section is without prejudice to any other enactment that makes provision for a person other than the chief constable to exercise the chief constable's functions.
- (10) In a case where a deputy chief constable or assistant chief constable (the “acting chief constable”) is authorised by subsection (1)(a) or (5) to exercise or perform functions of a chief constable—
- (a) section 38(2) and (3) apply in relation to the acting chief constable as they apply in relation to the chief constable (and references to chief constables in those provisions, and in other enactments relating to those provisions, are to be read accordingly); and
  - (b) section 39(4) and (5) or section 40(3) and (4) do not apply in relation to the acting chief constable.
- (11) In this section—
- (a) “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London);
  - (b) a reference to a period when the chief constable is unable to exercise functions is a reference to a period when—

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- (i) the chief constable is absent, incapacitated or suspended from duty, or
- (ii) the office of chief constable is vacant;
- (c) a reference to a period when a deputy chief constable is unable to exercise functions is a reference to a period when—
  - (i) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty, or
  - (ii) the office of deputy chief constable, or of each deputy chief constable, is vacant.

*The metropolitan police force*

**42 Appointment of Commissioner of Police of the Metropolis** **E+W**

- (1) The Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.
- (2) A constable holds office as the Commissioner of Police of the Metropolis at Her Majesty's pleasure.
- (3) The Secretary of State may not recommend to Her Majesty that She appoint a person as the Commissioner of Police of the Metropolis unless that person is, or has been, a constable in any part of the United Kingdom; and, before making such a recommendation, the Secretary of State must have regard to any recommendations made by the Mayor's Office for Policing and Crime.
- (4) The appointment of the Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

**43 Deputy Commissioner of Police of the Metropolis** **E+W**

- (1) The Metropolitan Police force has one Deputy Commissioner of Police of the Metropolis.
- (2) The Deputy Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.
- (3) A person holds office as the Deputy Commissioner of Police of the Metropolis at Her Majesty's pleasure.
- (4) Before recommending to Her Majesty that She appoint a person as the Deputy Commissioner of Police of the Metropolis, the Secretary of State must have regard to—
  - (a) any recommendations made by the Commissioner of Police of the Metropolis, and
  - (b) any representations made by the Mayor's Office for Policing and Crime.
- (5) The appointment of the Deputy Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

**Status:** Point in time view as at 15/11/2011. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

#### **44 Functions of Deputy Commissioner of Police of the Metropolis** **E+W**

- (1) The Deputy Commissioner of Police of the Metropolis may exercise any or all of the powers and duties of the Commissioner of Police of the Metropolis—
  - (a) during any absence, incapacity or suspension from duty of the Commissioner,
  - (b) during any vacancy in the office of Commissioner, or
  - (c) at any other time, with the consent of the Commissioner.
- (2) The Deputy Commissioner of Police of the Metropolis does not have power to act by virtue of subsection (1)(a) or (b) for a continuous period exceeding three months, except with the consent of the Secretary of State.
- (3) The Deputy Commissioner of Police of the Metropolis has all the powers and duties of an Assistant Commissioner of Police of the Metropolis.

#### **45 Assistant Commissioners of Police of the Metropolis** **E+W**

- (1) The metropolitan police force must have one or more Assistant Commissioners of Police of the Metropolis.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as an Assistant Commissioner of Police of the Metropolis.
- (3) The appointment of a person as an Assistant Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.
- (4) An Assistant Commissioner of Police of the Metropolis may exercise any of the powers and duties of the Commissioner of Police of the Metropolis with the consent of the Commissioner of Police of the Metropolis.
- (5) Subsection (4) is without prejudice to regulations under section 50 of the Police Act 1996.
- (6) In a case where an Assistant Commissioner of Police of the Metropolis is acting in place of the Commissioner of Police of the Metropolis—
  - (a) section 48 applies in relation to the Assistant Commissioner as it applies to the Commissioner (and references to the Commissioner in that section, and in other enactments relating to that section, are to be read accordingly); and
  - (b) section 49 does not apply in relation to the Assistant Commissioner.
- (7) For the purposes of subsection (6), an Assistant Commissioner is to be taken to be acting in place of the Commissioner at a particular time if—
  - (a) the Assistant Commissioner is, at that time, authorised by subsection (4) to exercise powers and duties of the Commissioner, and
  - (b) that time falls during—
    - (i) any absence, incapacity or suspension from office of the Commissioner, or
    - (ii) any vacancy in the office of Commissioner.

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

#### **46 Deputy Assistant Commissioners of Police of the Metropolis** **E+W**

- (1) The metropolitan police force must have one or more Deputy Assistant Commissioners of Police of the Metropolis.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as a Deputy Assistant Commissioner of Police of the Metropolis.
- (3) The appointment of a person as a Deputy Assistant Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

#### **47 Commanders** **E+W**

- (1) The metropolitan police force must have one or more Commanders.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as a Commander.
- (3) The appointment of a person as a Commander is subject to regulations under section 50 of the Police Act 1996.

#### **48 Suspension and removal of Commissioner and Deputy Commissioner** **E+W**

- (1) The Mayor's Office for Policing and Crime may, with the approval of the Secretary of State—
  - (a) suspend the Commissioner of Police of the Metropolis from duty, or
  - (b) suspend the Deputy Commissioner of Police of the Metropolis from duty.
- (2) If the Mayor's Office for Policing and Crime suspends the Commissioner, or Deputy Commissioner, from duty, that Office must notify the Secretary of State of the suspension.
- (3) The Mayor's Office for Policing and Crime may, subject to subsections (5) and (6), and with the approval of the Secretary of State—
  - (a) call upon the Commissioner of Police of the Metropolis to resign or retire, or
  - (b) call upon the Deputy Commissioner of Police of the Metropolis to resign or retire.
- (4) The Commissioner, or Deputy Commissioner, must resign or retire if called upon to do so in accordance with subsection (3).
- (5) Before calling upon the Commissioner, or Deputy Commissioner, to retire or resign, the Mayor's Office for Policing and Crime must—
  - (a) give the police officer a written explanation of the reasons why the Office is proposing to call for the retirement or resignation;
  - (b) give the police officer the opportunity to make written representations about the proposal to call for the police officer's resignation or retirement; and
  - (c) consider any written representations made by the police officer.
- (6) The Mayor's Office for Policing and Crime must comply with subsection (5) before seeking the approval of the Secretary of State to call upon the Commissioner, or Deputy Commissioner, to retire or resign.
- (7) This section is subject to regulations under section 50 of the Police Act 1996.

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- (8) This section is without prejudice to—
- (a) section 42(2);
  - (b) section 43(3); or
  - (c) regulations under the Police Pensions Act 1976.

#### **49 Suspension and removal of other senior metropolitan police officers** E+W

- (1) The Commissioner of Police of the Metropolis may suspend a senior metropolitan police officer from duty.
- (2) If the Commissioner suspends a senior metropolitan police officer from duty, the Commissioner must notify the Mayor's Office for Policing and Crime of the suspension.
- (3) The Commissioner of Police of the Metropolis may, subject to subsection (5), and after consulting the Mayor's Office for Policing and Crime, call upon a senior metropolitan police officer to resign or retire.
- (4) A senior metropolitan police officer must resign or retire if called upon to do so in accordance with subsection (3).
- (5) Before calling upon a senior metropolitan police officer to retire or resign, the Commissioner of Police of the Metropolis must—
  - (a) give the police officer a written explanation of the reasons why the Commissioner is proposing to call for the retirement or resignation;
  - (b) give the police officer the opportunity to make written representations about the proposal to call for the police officer's resignation or retirement; and
  - (c) consider any written representations made by the police officer.
- (6) This section is subject to regulations under section 50 of the Police Act 1996.
- (7) This section is without prejudice to regulations under the Police Pensions Act 1976.
- (8) In this section “senior metropolitan police officer” means any of the following—
  - (a) an Assistant Commissioner of Police of the Metropolis;
  - (b) a Deputy Assistant Commissioner of Police of the Metropolis;
  - (c) a Commander.

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

## CHAPTER 6 U.K.

### POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

VALID FROM 25/04/2012

#### *Holding of elections*

#### 50 Ordinary elections E+W

- (1) An election of police and crime commissioners for all police areas (an “ordinary election”) is to be held—
  - (a) in 2012;
  - (b) in each subsequent fourth year.
- (2) The poll at the ordinary election of police and crime commissioners in 2012 is to be held on 15 November 2012.
- (3) The poll at an ordinary election of police and crime commissioners in any year after 2012 is to be held on the ordinary day of election in the year of the election.
- (4) But, if the Secretary of State so specifies in an order, the poll at an ordinary election of police and crime commissioners in any year after 2012 is to be held on such day in the year of the election as may be specified in the order.
- (5) An order under subsection (4)—
  - (a) may not specify, as the day of a poll, a day which is before the ordinary day of election in the year of the election;
  - (b) may not be made within the period of six months ending with the ordinary day of election in relation to England, or (if earlier) the ordinary day of election in relation to Wales, in the year of the election (or the first of the elections) to which the order relates.
- (6) In this section, “the ordinary day of election” in any year means—
  - (a) in relation to England, the day which is the ordinary day of election in that year of councillors for counties in England and districts (see sections 37 and 37A of the Representation of the People Act 1983), and
  - (b) in relation to Wales, the day which is the ordinary day of election in that year of councillors for counties in Wales and county boroughs (see sections 37 and 37B of that Act).
- (7) The term of office of a person elected as a police and crime commissioner at an ordinary election—
  - (a) begins with the seventh day after the day of the poll at the election, and
  - (b) ends with the sixth day after the day of the poll at the next ordinary election of police and crime commissioners.
- (8) Subsection (7) is subject to any provision of or made under this or any other Act relating to the appointment or election of police and crime commissioners or their ceasing to hold office.

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

## **51 Election to fill vacancy in office of commissioner** **E+W**

- (1) This section applies where a vacancy occurs in the office of police and crime commissioner for a police area.
- (2) An election must be held to fill the vacancy.
- (3) The police area returning officer must fix the date of the poll at the election.
- (4) The date fixed must be not more than 35 days after the relevant event (computed in accordance with section 73).
- (5) For the purposes of subsection (4), “the relevant event” means—
  - (a) in a case where the High Court or the appropriate officer has declared the office to be vacant, the making of that declaration;
  - (b) in any other case, the giving of notice of the vacancy to the appropriate officer by two or more relevant electors.
- (6) For this purpose “relevant elector” means a person who is registered in a register of local government electors in respect of an address within the police area.
- (7) If the vacancy occurs within the period of six months ending with the day of the poll at the next ordinary election of police and crime commissioners—
  - (a) no election is to be held under subsection (2) in respect of the vacancy, and
  - (b) accordingly, the office is to be left unfilled until that ordinary election.
- (8) The term of office of a person elected as a police and crime commissioner for a police area at an election to fill a vacancy in the office—
  - (a) begins immediately the person is declared to be elected as police and crime commissioner for the area;
  - (b) ends at the time when it would have ended had the person been elected at the most recent ordinary election of police and crime commissioners.
- (9) In the case of a vacancy occurring in consequence of the failure of, or other irregularity in relation to, an election, subsections (3) and (4) have effect subject to any provision made by an order under section 58.

## **52 Persons entitled to vote** **E+W**

- (1) A person is entitled to vote as an elector at an election of a police and crime commissioner for a police area if on the date of the poll—
  - (a) the person would be entitled to vote as an elector at a local government election in an electoral area wholly or partly comprised in the police area, and
  - (b) the address in respect of which the person is registered in the register of local government electors for that electoral area is within the police area.
- (2) A person is not entitled to vote as an elector more than once in the same police area at any election of a police and crime commissioner.

## **53 Public awareness about elections: role of Electoral Commission** **E+W**

The Electoral Commission must, in relation to—

- (a) each ordinary election of police and crime commissioners under section 50,

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- (b) each election to fill a vacancy in the office of police and crime commissioner for a police area under section 51, take such steps as it considers appropriate to raise public awareness about the election and how to vote in it.

### Conduct of elections

VALID FROM 25/04/2012

#### 54 Returning officers etc **E+W**

- (1) The returning officer for an election of a police and crime commissioner for a police area (“the police area returning officer”) is to be a person who—
- (a) is an acting returning officer by virtue of section 28(1) of the Representation of the People Act 1983 (acting returning officer for parliamentary election) for a constituency falling wholly or partly within the police area, and
  - (b) is designated for the purposes of this subsection by order of the Secretary of State.
- (2) The Secretary of State may by regulations confer functions—
- (a) on police area returning officers, and
  - (b) on local returning officers.
- (3) Regulations under subsection (2) may apply or incorporate, with or without modifications or exceptions, any relevant provision.
- (4) Each relevant local authority must place the services of its officers at the disposal of any person on whom functions are conferred under subsection (2) in relation to the police area for the purpose of assisting that person in the discharge of those functions.
- (5) In this section—
- “local authority” means—
- (a) a district council,
  - (b) a county council in England for a county in which there are no district councils,
  - (c) the Council of the Isles of Scilly,
  - (d) a county council or county borough council in Wales;
- “local election” means an election of members of a local authority;
- “local returning officer” means a person who, by virtue of section 35 of the Representation of the People Act 1983, is a returning officer for any local elections;
- “relevant local authority”, in relation to a police area, means a local authority whose area falls wholly or partly within the police area;
- “relevant provision” means any provision (whenever passed or made) of, or made under, any of the following—
- (a) the Representation of the People Acts,
  - (b) the Local Government Act 1972,
  - (c) the Local Government Act 2000,
  - (d) the Political Parties, Elections and Referendums Act 2000,



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- (e) the European Parliamentary Elections Act 2002,
- (f) the Government of Wales Act 2006, and
- (g) any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections.

VALID FROM 25/04/2012

## 55 Returning officers: expenditure **E+W**

- (1) A returning officer may recover charges in respect of services rendered, or expenses incurred, by the officer for or in connection with an election of a police and crime commissioner if—
  - (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election, and
  - (b) the total of the officer's charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, an order made by the Secretary of State, with the consent of the Treasury, for the purposes of this subsection.
- (2) An order under subsection (1) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description.
- (3) Subject to subsection (4), the returning officer may not recover more than the specified maximum recoverable amount in respect of any specified services or expenses.
- (4) In a particular case the Secretary of State may authorise the payment of—
  - (a) more than the overall maximum recoverable amount, or
  - (b) more than the specified maximum recoverable amount for any specified services or expenses,
 if the Secretary of State is satisfied that the conditions in subsection (5) are met.
- (5) Those conditions are—
  - (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses, and
  - (b) that the charges in question are reasonable.
- (6) The amount of any charges recoverable in accordance with this section is to be paid by the Secretary of State on an account being submitted to the Secretary of State.
- (7) But the Secretary of State may, before payment, apply for the account to be taxed under section 56.
- (8) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer's charges at an election of a police and crime commissioner, then on an account being submitted to the Secretary of State a sum equal to the increase must be paid to the authority by the Secretary of State.

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- (9) On the request of a returning officer for an advance on account of the officer's charges, the Secretary of State may make such an advance on such terms as the Secretary of State thinks fit.
- (10) The Secretary of State may by regulations make provision as to—
- (a) the time when, and
  - (b) the manner and form in which,
- accounts are to be rendered to the Secretary of State for the purposes of the payment of a returning officer's charges.
- (11) Any sums required by the Secretary of State for making payments under this section are to be charged on, and paid out of, the Consolidated Fund.
- (12) In this section—
- “local authority” has the same meaning as in section 54;
  - “local returning officer” has the same meaning as in that section;
  - “returning officer” means—
    - (a) a police area returning officer, or
    - (b) a local returning officer on whom functions are conferred under subsection (2) of that section;  - “specified” means specified in, or determined in accordance with, an order under subsection (1).

VALID FROM 25/04/2012

## 56 Taxation of returning officer's account **E+W**

- (1) Any application under section 55(7) for a returning officer's account to be taxed is to be made to the county court.
- (2) On any such application the court has jurisdiction—
- (a) to tax the account—
    - (i) in such manner, and
    - (ii) at such time and place,  - as the court thinks fit, and
  - (b) finally to determine the amount payable to the returning officer.
- (3) On any such application the returning officer may apply to the court to examine any claim made by any person against the officer in respect of matters charged in the account.
- (4) Where an application is made in respect of a claim under subsection (3)—
- (a) notice of the application must be given to the claimant;
  - (b) the court must give the claimant an opportunity to be heard and to tender any evidence;
  - (c) the court may allow or disallow the claim, with or without costs;
  - (d) the determination of the court is final for all purposes and as against all persons.

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(5) In this section “returning officer” has the same meaning as in section 55.

VALID FROM 25/04/2012

## 57 Voting at elections of police and crime commissioners **E+W**

- (1) This section applies to any election under this Chapter of a police and crime commissioner for a police area.
- (2) The commissioner is to be returned under the simple majority system, unless there are three or more candidates.
- (3) If there are three or more candidates—
  - (a) the commissioner is to be returned under the supplementary vote system, and
  - (b) any vote in the election is a supplementary vote.
- (4) Schedule 9 (the supplementary vote system) has effect.
- (5) In subsection (3), “supplementary vote” means a vote capable of being given to indicate first and second preferences from among the candidates.

## 58 Power to make provision about elections etc **U.K.**

- (1) The Secretary of State may by order make provision as to—
  - (a) the conduct of elections of persons to be police and crime commissioners;
  - (b) the questioning of such an election and the consequences of irregularities.
- (2) The provision which may be made under subsection (1)(a) includes, in particular, provision—
  - (a) about registration of electors;
  - (b) for disregarding alterations in a register of electors;
  - (c) about the registration or other recognition of political parties and other persons incurring expenditure in relation to elections of police and crime commissioners;
  - (d) about funding and expenditure, in relation to elections of police and crime commissioners, of candidates, political parties and other persons incurring such expenditure;
  - (e) for the combination of polls at elections of police and crime commissioners and other polls;
  - (f) for any election held in consequence of any irregularity at an ordinary election to be treated as held at an ordinary election for any of the purposes of this Act.
- (3) An order under subsection (1) may—
  - (a) apply or incorporate, with or without modifications or exceptions, any relevant provision;
  - (b) modify any form contained in any relevant provision so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for police and crime commissioners;
  - (c) include provision creating criminal offences.

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- (4) Provision within paragraph (d) of subsection (2) includes, in particular—
- (a) provision prohibiting, or imposing limitations on, funding or expenditure of any kind mentioned in that paragraph, and
  - (b) provision for treating funding or expenditure of any such kind which does not relate exclusively to an election of police and crime commissioners as being (or not being), wholly or partly, funding or expenditure in relation to which—
    - (i) any provision within paragraph (a) applies, or
    - (ii) any relevant provision applies.
- (5) The Secretary of State may by order make modifications of any relevant provision that are consequential on any provision of—
- (a) section 1(4),
  - (b) this Chapter,
  - (c) an order under subsection (1), or
  - (d) regulations under section 54.
- (6) Provision that may be made under subsection (5) includes, in particular, provision modifying any relevant provision so as to apply (with or without modifications)—
- (a) in relation to elections for police and crime commissioners as it applies in relation to other elections;
  - (b) in relation to police and crime commissioners as it applies in relation to persons elected at other elections.
- (7) In this section—
- “relevant provision” means any provision (whenever passed or made) of, or made under, any of the following—
- (a) the Representation of the People Acts,
  - (b) the Local Government Act 1972,
  - (c) the Local Government Act 2000,
  - (d) the Political Parties, Elections and Referendums Act 2000,
  - (e) the European Parliamentary Elections Act 2002,
  - (f) the Government of Wales Act 2006, and
  - (g) any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections;
- “modify” includes amend, repeal or revoke (and related terms are to be read accordingly).

VALID FROM 25/04/2012

*Vacancy in office of police and crime commissioner*

**59 Date of vacancy in office of commissioner** **E+W**

- (1) For the purposes of this Chapter, a vacancy in the office of police and crime commissioner for a police area is to be regarded as occurring—
- (a) in the case of a vacancy in consequence of the failure of, or other irregularity in relation to, an election, at the time specified in an order under section 58;

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- (b) in the case of resignation, on receipt of the notice of resignation by the appropriate officer;
  - (c) in the case of death, on the date of death;
  - (d) in any case within subsection (2), on the date on which the office of police and crime commissioner for the police area is declared to have been vacated by the High Court or by the appropriate officer, as the case may be.
- (2) The cases referred to in subsection (1)(d) are—
- (a) where the person elected as police and crime commissioner fails to make and deliver a declaration of acceptance of office in accordance with section 70;
  - (b) where a vacancy arises under section 63 (incapacity of commissioner: acting commissioner acting for 6 months);
  - (c) where a person becomes disqualified—
    - (i) from being a police and crime commissioner, or
    - (ii) from being the police and crime commissioner for the police area.
- (3) The appropriate officer must give public notice of a vacancy in the office of police and crime commissioner for a police area.
- (4) The appropriate officer must give notice of a vacancy in the office of police and crime commissioner for a police area to the police area returning officer.
- (5) Any notice under subsection (3) or (4) must be given as soon as practicable after the date on which the vacancy is to be regarded under this section as occurring.

## **60 Declaration of vacancy in certain cases** **E+W**

- (1) Subsection (2) applies where—
- (a) a police and crime commissioner for a police area becomes disqualified (whether by virtue of this or any other Act)—
    - (i) from being a police and crime commissioner, or
    - (ii) from being the police and crime commissioner for the police area,
  - (b) the person elected as police and crime commissioner for a police area fails to make and deliver a declaration of acceptance of office in accordance with section 70, or
  - (c) a vacancy arises under section 63 (incapacity of commissioner: acting commissioner acting for 6 months).
- (2) The appropriate officer must forthwith declare the office of police and crime commissioner for that police area to be vacant, unless—
- (a) it has been declared vacant by the High Court, or
  - (b) an application has been made to the High Court for a declaration under section 71 and the grounds in issue include any ground on which the appropriate officer would (but for this paragraph) make the declaration.

## **61 Resignation of commissioner** **E+W**

- (1) A police and crime commissioner may at any time resign office by giving notice to the appropriate officer.
- (2) Any such resignation takes effect on the officer's receipt of the notice.

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VALID FROM 25/04/2012

*Vacancy or incapacity*

**62 Appointment of acting commissioner** **E+W**

- (1) The police and crime panel for a police area must appoint a person to act as police and crime commissioner for that area (the “acting commissioner”) if—
  - (a) no person holds the office of police and crime commissioner for that area,
  - (b) the police and crime commissioner for that area is incapacitated, or
  - (c) the police and crime commissioner for that area is suspended in accordance with section 30.
- (2) The police and crime panel may appoint a person as acting commissioner only if the person is a member of the police and crime commissioner's staff at the time of the appointment.
- (3) In appointing a person as acting commissioner in a case where the police and crime commissioner is incapacitated, the police and crime panel must have regard to any representations made by the commissioner in relation to the appointment.
- (4) All the functions of a police and crime commissioner are exercisable by an acting commissioner, apart from issuing or varying a police and crime plan under section 5.
- (5) Any property or rights vested in the police and crime commissioner may be dealt with by the acting commissioner as if vested in the acting commissioner.
- (6) The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events—
  - (a) the election of a person as police and crime commissioner;
  - (b) the termination by the police and crime panel, or by the acting commissioner, of the appointment of the acting commissioner;
  - (c) in a case where the acting commissioner is appointed because the police and crime commissioner is incapacitated, the commissioner ceasing to be incapacitated;
  - (d) in a case where the acting commissioner is appointed because the police and crime commissioner is suspended, the commissioner ceasing to be suspended.
- (7) In a case where—
  - (a) the acting commissioner is appointed because the police and crime commissioner is incapacitated or suspended, and
  - (b) a vacancy subsequently occurs in the office of police and crime commissioner,
 the occurrence of that vacancy does not affect the appointment of the acting commissioner (and accordingly subsection (6)(c) or (d) does not apply).
- (8) For the purposes of this section—
  - (a) a police and crime commissioner is incapacitated if the commissioner is unable to exercise the functions of commissioner, except where the

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- commissioner is unable to exercise those functions only because the commissioner has yet to give a declaration of office under section 70; and
- (b) it is for the police and crime panel for a police area to determine whether or not the police and crime commissioner for that area is incapacitated.

- (9) Subject to subsection (4), a reference in any enactment to a police and crime commissioner includes a reference to an acting commissioner.

### **63 Vacancy where acting commissioner acts for 6 months** **E+W**

- (1) Subsection (2) applies where—
- (a) an acting commissioner is appointed under section 62 to act for the police and crime commissioner for a police area because the police and crime commissioner is incapacitated, and
- (b) the police and crime commissioner does not cease to be incapacitated during the period of 6 months beginning with the day on which the acting commissioner is appointed.
- (2) At the end of that 6 month period—
- (a) the police and crime commissioner ceases to be police and crime commissioner, and
- (b) accordingly, the office of police and crime commissioner for that police area becomes vacant.

VALID FROM 25/04/2012

### *Disqualification*

### **64 Disqualification from election as police and crime commissioner** **E+W**

- (1) A person is disqualified from being elected to the office of police and crime commissioner for a police area at any election unless—
- (a) the person has attained the age of 18 when nominated as a candidate at the election, and
- (b) on each relevant day, the person is registered in the register of local government electors for an electoral area in respect of an address in the police area.
- (2) In this section “relevant day”, in relation to a person who is a candidate at an election, means—
- (a) the day on which the person is nominated as a candidate at the election;
- (b) the day of the poll at the election.
- (3) A person is disqualified from being elected to the office of police and crime commissioner for a police area at an ordinary election if the person has been nominated as a candidate for election as police and crime commissioner for any other police area at that election.
- (4) A person is disqualified from being elected to the office of police and crime commissioner for a police area at an election other than an ordinary election if—

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- (a) the person is police and crime commissioner for any other police area, or
- (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.

**65 Disqualification from election or holding office as police and crime commissioner: police grounds E+W**

- (1) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—
- (a) is disqualified from being a member of the House of Commons under section 1(1)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);
  - (b) is a member of—
    - (i) the British Transport Police Force;
    - (ii) the Civil Nuclear Constabulary;
  - (c) is a special constable appointed—
    - (i) under section 27 of the Police Act 1996 for a police area or the City of London police area;
    - (ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force);
  - (d) is a member of staff of the chief officer of police of any police force maintained for a police area;
  - (e) is a member of staff of—
    - (i) a police and crime commissioner;
    - (ii) the Mayor's Office for Policing and Crime;
  - (f) is the Mayor of London;
  - (g) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;
  - (h) is a member (including a member who is chairman or chief executive), or member of staff, of—
    - (i) the British Transport Police Authority;
    - (ii) the Civil Nuclear Police Authority;
    - (iii) the Independent Police Complaints Commission;
    - (iv) the Serious Organised Crime Agency;
    - (v) the National Policing Improvement Agency;
  - (i) holds any employment in an entity which is under the control of—
    - (i) a local policing body;
    - (ii) any body mentioned in paragraph (h);
    - (iii) the chief officer of police for any police force maintained for a police area or the City of London police area;
    - (iv) the chief officer of police for any police force mentioned in paragraph (b).
- (2) In this section, “member of staff”, in relation to any person (“A”), includes a person (“B”) who works for A—
- (a) under a contract of employment,
  - (b) under a contract for services, or



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(c) in accordance with arrangements made between B's employer and A; and for this purpose B works for A if B provides services for A under the direction and control of A.

(3) In subsection (1)(i), the reference to an entity under the control of a local policing body or other body or a chief officer of police is to be construed in accordance with regulations made by the Secretary of State.

(4) In its application in relation to the first election of a police and crime commissioner to be held for a police area, this section applies as if—

(a) for paragraphs (d) to (g) of subsection (1) there were substituted—

“(d) any member, or member of staff, of a police authority within the meaning of the Police Act 1996 (see section 101 of that Act);”, and

(b) for paragraph (i)(i) of that subsection there were substituted—

“(i) a police authority within the meaning of the Police Act 1996.”

## **66 Disqualification from election or holding office as police and crime commissioner: other grounds E+W**

(1) A person is disqualified from being elected as, or being, a police and crime commissioner unless the person satisfies the citizenship condition (see section 68).

(2) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—

(a) is disqualified from being a member of the House of Commons under section 1(1)(a) to (c) of the House of Commons Disqualification Act 1975 (judges, civil servants, members of the armed forces), or

(b) is a member of the legislature of any country or territory outside the United Kingdom.

(3) A person is disqualified from being elected as, or being, a police and crime commissioner if—

(a) the person is the subject of—

(i) a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986;

(ii) an interim debt relief restrictions order under paragraph 5 of that Schedule;

(iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;

(iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule;

(b) a debt relief restrictions undertaking has effect in respect of the person under paragraph 7 of Schedule 4ZB to that Act;

(c) the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence); or

(d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under

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Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).

- (4) For the purpose of subsection (3)(c)—
- (a) “imprisonable offence” means an offence—
    - (i) for which a person who has attained the age of 18 years may be sentenced to a term of imprisonment, or
    - (ii) for which, in the case of such a person, the sentence is fixed by law as life imprisonment;
  - (b) a person is to be treated as having been convicted—
    - (i) on the expiry of the ordinary period allowed for an appeal or application in respect of the conviction, or
    - (ii) if an appeal or application is made in respect of the conviction, when the appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution.
- (5) A person is disqualified from being elected as, or being, police and crime commissioner for a police area if the person—
- (a) is a member of staff of a relevant council, or
  - (b) holds any employment in an entity which is under the control of a relevant council within subsection (7)(a), (b), (c) or (f).
- (6) For this purpose—
- “member of staff” has the same meaning as in section 65;
- “relevant council”, in relation to a police area, means a council within subsection (7) for an area which, or any part of which, lies within the police area.
- (7) Those councils are—
- (a) a county council;
  - (b) a county borough council;
  - (c) a district council;
  - (d) a parish council;
  - (e) a community council;
  - (f) the Council of the Isles of Scilly.
- (8) In subsection (5)(b), the reference to an entity under the control of a relevant council is to be construed in accordance with regulations made by the Secretary of State.
- (9) Nothing in subsection (5) is to be taken to disqualify a person by virtue of being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a relevant council.

**67 Disqualification of person holding office as police and crime commissioner** **E**  
**+W**

A person becomes disqualified from being a police and crime commissioner upon becoming a member of—

- (a) the House of Commons;
- (b) the Scottish Parliament;
- (c) the National Assembly for Wales;

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- (d) the Northern Ireland Assembly;
- (e) the European Parliament.

## 68 Citizenship condition **E+W**

- (1) This section applies for the purposes of section 66.
- (2) A person satisfies the citizenship condition if the person is—
  - (a) a qualifying Commonwealth citizen,
  - (b) a citizen of the Republic of Ireland, or
  - (c) a citizen of the Union.
- (3) For the purposes of this section, a person is a qualifying Commonwealth citizen if the person is a Commonwealth citizen and—
  - (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
  - (b) is a person who requires such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (4) But a person who does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases) is not a qualifying Commonwealth citizen by virtue of subsection (3)(a).
- (5) In this section the expression “citizen of the Union” is to be construed in accordance with Article 20(1) of the Treaty on the Functioning of the European Union.

## 69 Validity of acts **E+W**

The acts of a person elected as police and crime commissioner for a police area under this Chapter who acts in that office are, despite any disqualification—

- (a) from being, or being elected as, a police and crime commissioner, or
- (b) from being, or being elected as police and crime commissioner for that area, as valid and effectual as if the person had not been so disqualified.

VALID FROM 25/04/2012

### *Elections: further provision*

## 70 Declaration of acceptance of office of police and crime commissioner **E+W**

- (1) A person elected to the office of police and crime commissioner for any police area may not act in that office unless the person has—
  - (a) made a declaration of acceptance of the office in a form specified in an order made by the Secretary of State, and
  - (b) delivered the declaration to the appropriate officer,
 in each case, when not ineligible by virtue of subsection (5).

*Status: Point in time view as at 15/11/2011. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

- (2) If the person fails to make and deliver a declaration in accordance with subsection (1) within the period of two months beginning with the day after the election, the office of police and crime commissioner for that area becomes vacant at the end of the period.
- (3) Any declaration made under this section must be made before—
  - (a) the appropriate officer;
  - (b) a justice of the peace or magistrate in the United Kingdom, the Channel Islands or the Isle of Man, or
  - (c) a commissioner appointed to administer oaths in the Senior Courts.
- (4) Any person before whom a declaration is authorised to be made under this section may take the declaration.
- (5) A person is ineligible to make or give a declaration of acceptance of office under this section in respect of the office of police and crime commissioner for a police area at any time when the person is a member of—
  - (a) the House of Commons;
  - (b) the Scottish Parliament;
  - (c) the National Assembly for Wales;
  - (d) the Northern Ireland Assembly;
  - (e) the European Parliament.
- (6) No salary, and no payment towards the provision of superannuation benefits, is to be paid under this Act to or in respect of a police and crime commissioner until the commissioner has complied with the requirements of subsection (1).
- (7) Subsection (6) does not affect any entitlement of a police and crime commissioner to payments in respect of the period before the commissioner complies with the requirements of subsection (1) once the commissioner has complied with those requirements.

## **71 Judicial proceedings as to disqualification or vacancy** E+W

- (1) Any person who claims that a person purporting to be a police and crime commissioner for a police area is, or at any time since being elected has been, disqualified—
  - (a) from being a police and crime commissioner; or
  - (b) from being police and crime commissioner for the police area,
 may apply to the High Court for a declaration to that effect, and that accordingly the office of police and crime commissioner for the area is vacant.
- (2) An application under subsection (1) in respect of any person may be made whether the grounds on which it is made are alleged to have subsisted at the time when the person was elected or to have arisen subsequently.
- (3) No declaration may be made under this section in respect of any person on grounds which subsisted when the person was elected, if an election petition under an order under section 58 is pending or has been tried in which the person's disqualification on those grounds is or was in issue.
- (4) Any person who claims that a person purporting to be a police and crime commissioner for a police area has ceased to be the police and crime commissioner for the police area by virtue of—

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

- (a) section 63, or
  - (b) section 70,
- may apply to the High Court for a declaration to that effect.

- (5) On an application under this section—
- (a) the person in respect of whom the application is made is to be the respondent, and
  - (b) the applicant must give such security for the costs of the proceedings as the court may direct.
- (6) The amount of the security may not exceed £5,000 or such other sum as the Secretary of State may specify by order.
- (7) The decision of the court on an application under this section is final.

## 72 Amendment of police areas: term of office of commissioner **E+W**

- (1) Subsection (2) applies where a person becomes police and crime commissioner for a resulting police area by virtue of, or of an election required to be held by, a police area alteration order.
- (2) The person's term of office as police and crime commissioner ends at the time when it would end had the person been elected as police and crime commissioner at the previous ordinary election of commissioners in England or, as the case may be, Wales.
- (3) In this section—
- “police area alteration order” means—
- (a) an order under section 32 of the Police Act 1996 (power to alter police areas by order);
  - (b) an order under section 10 of the Local Government and Public Involvement in Health Act 2007 (implementation of Boundary Committee for England review of local government areas) which alters the boundary of any police area in England;
  - (c) an order under section 58 of the Local Government Act 1972 (implementation of proposals by Local Government Boundary Commission for Wales) which alters the boundary of any police area in Wales;
- “resulting police area”, in relation to a police area alteration order, means a police area existing immediately after the order comes into force—
- (a) which is created by the order, or
  - (b) any part of whose boundary results from the order.
- (4) References in this section to the coming into force of a police area alteration order are references to the changes in police areas made by the order taking effect.

## 73 Computation of time and timing of elections etc **E+W**

- (1) Subsection (2) applies where the day, or the last day, on which anything is required or permitted to be done by or under section 50, 51 or 70 is not a business day.
- (2) The requirement or permission is deemed to relate instead to the first business day after that day.

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

- (3) Where under subsection (2) the day of an election is postponed, the day to which it is postponed is to be treated as the day of election for the purpose of—
- (a) any provision of, or made under, this Act, or
  - (b) any relevant provision (within the meaning of section 58).
- (4) Any day which is not a business day is to be disregarded in computing any period of time for the purpose of section 51.
- (5) In this section, “business day” means a day other than—
- a Saturday,
  - a Sunday,
  - Christmas Eve,
  - Christmas Day,
  - Good Friday,
  - a bank holiday, or
  - a day appointed for public thanksgiving or mourning.

#### **74 Elections: consequential amendments** **E+W**

Schedule 10 (consequential amendments relating to elections of persons as police and crime commissioners) has effect.

#### **75 The appropriate officer** **E+W**

- (1) For each police area, other than the metropolitan police district, the Secretary of State must by order designate a local authority.
- (2) In this Chapter, the “appropriate officer”, in relation to any such police area, means the head of paid service of the local authority designated for that police area.
- (3) In this section—
- “local authority” means—
- (a) a district council,
  - (b) a county council in England for a county in which there are no district councils,
  - (c) the Council of the Isles of Scilly,
  - (d) a county council or county borough council in Wales;
- “head of paid service”, in relation to a council, means the person designated by the council under section 4(1)(a) of the Local Government Act 1989.

#### **76 Interpretation of Chapter 6** **E+W**

In this Chapter, the following terms have the following meanings, unless the context otherwise requires—

“appropriate officer” has the meaning given by section 75;

“elector”—

- (a) in relation to an election of a police and crime commissioner, means a person entitled to vote at the election;

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- (b) in relation to a local government election, has the same meaning as in the Representation of the People Act 1983 (see section 202 of that Act);
- “electoral area” has the same meaning as in that Act as it applies in relation to England and Wales (see section 203 of that Act);
- “local government election” has the same meaning as in that Act as it applies in relation to England and Wales (see section 203 of that Act);
- “local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;
- “ordinary election” has the meaning given in section 50;
- “police area returning officer” has the meaning given by section 54.

## CHAPTER 7 **E+W**

### OTHER PROVISIONS RELATING TO POLICING AND CRIME AND DISORDER

VALID FROM 25/04/2012

#### *Requirement for national policing capabilities*

#### **77 The strategic policing requirement **E+W****

- (1) For section 37A of the Police Act 1996 (setting of strategic priorities for police authorities), substitute—

##### **“37A The strategic policing requirement**

- (1) The Secretary of State must, from time to time, issue a document (the “strategic policing requirement”) which sets out what, in the Secretary of State’s view, are—
- (a) national threats at the time the document is issued, and
  - (b) appropriate national policing capabilities to counter those national threats.
- (2) A chief officer of police must, in exercising the functions of chief officer, have regard to the strategic policing requirement.
- (3) Before issuing the strategic policing requirement, the Secretary of State—
- (a) must obtain the advice of—
    - (i) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
    - (ii) such persons as appear to the Secretary of State to represent the views of local policing bodies, and
  - (b) must consult such other persons as the Secretary of State thinks fit.
- (4) The strategic policing requirement need not set out a national threat (in particular) if, in the Secretary of State’s view, countering the threat would

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involve police forces other than England and Wales police forces (and only those other police forces).

(5) References in this section to national policing capabilities to counter a threat are references to the ability of all England and Wales police forces—

- (a) to exercise one or more functions to counter that threat,
- (b) to exercise one or more functions in one or more particular ways to counter that threat, or
- (c) to exercise one or more functions in accordance with common operational standards to counter that threat.

(6) In this section—

“England and Wales police force” means—

- (a) a police force maintained under section 2,
- (b) the metropolitan police force, and
- (c) the City of London police force;

“national threat” means a threat (whether actual or prospective) which is—

- (a) a threat to national security, public safety, public order or public confidence that is of such gravity as to be of national importance, or
- (b) a threat which can be countered effectively or efficiently only by national policing capabilities to counter the threat.”.

### *Duties and powers of Secretary of State*

## **78 General duty of Secretary of State** E+W

The Secretary of State must exercise the powers conferred by this Part in such manner and to such extent as appears to the Secretary of State to be best calculated to promote the efficiency and effectiveness of the police.

### **Commencement Information**

**I5** S. 78 in force at 15.11.2011 by S.I. 2011/2515, art. 3(a)

## **79 Policing protocol** E+W

- (1) The Secretary of State must issue a policing protocol.
- (2) Each relevant person must have regard to the policing protocol in exercising the person's functions.
- (3) The Secretary of State may at any time—
  - (a) vary the policing protocol, or
  - (b) replace the policing protocol.
- (4) Before varying or replacing the policing protocol, the Secretary of State must consult—



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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

- (a) such persons as appear to the Secretary of State to represent the views of elected local policing bodies,
  - (b) such persons as appear to the Secretary of State to represent the views of chief officers of police of police forces maintained by elected local policing bodies,
  - (c) such persons as appear to the Secretary of State to represent the views of police and crime panels, and
  - (d) such other persons as the Secretary of State thinks fit.
- (5) The functions of the Secretary of State under subsections (1) and (3) are exercisable by order.
- (6) In this section—
- “police and crime panel” means—
    - (a) each police and crime panel established in accordance with Schedule 6 (police areas outside London);
    - (b) the London Assembly's police and crime panel (see section 32);
  - “policing protocol” means a document which sets out, or otherwise makes provision about, ways in which relevant persons should (in the Secretary of State's view) exercise, or refrain from exercising, functions so as to—
    - (a) encourage, maintain or improve working relationships (including co-operative working) between relevant persons, or
    - (b) limit or prevent the overlapping or conflicting exercise of functions;
  - “relevant persons” means—
    - (a) the Secretary of State in the exercise of policing functions;
    - (b) each elected local policing body;
    - (c) the chief officer of each police force maintained by an elected local policing body;
    - (d) police and crime panels.

#### Commencement Information

**I6** S. 79(1)(3)-(6) in force at 31.10.2011 by [S.I. 2011/2515](#), [art. 2\(b\)](#)

## 80 Obtaining advice from representative bodies **E+W**

- (1) The Secretary of State may, in connection with the exercise by the Secretary of State of any function relating to the police or policing, require a representative body to give the Secretary of State advice on any matter.
- (2) A requirement under subsection (1) may specify the period within which the advice is to be given.
- (3) A representative body must comply with a requirement under subsection (1).
- (4) In a case where—
  - (a) the Secretary of State makes such a request, and
  - (b) the representative body gives the advice (and, where applicable, does so within the period specified),
 the Secretary of State must have regard to the advice in that exercise of that function.

*Status: Point in time view as at 15/11/2011. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

- (5) In this section “representative body” means any body which appears to the Secretary of State to represent the professional views of members of one or more police forces.

#### Commencement Information

**I7** S. 80 in force at 15.11.2011 by S.I. 2011/2515, art. 3(b)

VALID FROM 16/01/2012

#### **81 Abolition of certain powers of Secretary of State** **E+W**

In the Police Act 1996, omit—

- (a) section 38 (performance targets for police strategic priorities);
- (b) section 39 (codes of practice for police authorities);
- (c) section 43 (reports from police authorities to Secretary of State).

#### Commencement Information

**I8** S. 81(b)(c) in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(2))

VALID FROM 15/12/2011

#### **82 Suspension and removal of senior police officers** **E+W**

- (1) The Police Act 1996 is amended as follows.
- (2) Section 42 (removal of chief constables etc) is amended in accordance with subsections (3) to (11).
- (3) For the title substitute “ **Metropolitan police: suspension or removal of Commissioner or Deputy Commissioner** ”.
- (4) For subsections (1) to (1B) substitute—
  - “(1) The Secretary of State may require the Mayor's Office for Policing and Crime to exercise the power under section 48 of the Police Reform and Social Responsibility Act 2011 (the “2011 Act”) to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign.
  - (1A) The Secretary of State may also require the Mayor's Office for Policing and Crime to exercise the power under section 48 of the 2011 Act to suspend the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, if the Secretary of State considers that it is necessary for the maintenance of public confidence in the metropolitan police force for that police officer to be suspended.”
- (5) In subsection (2), for the words before paragraph (a) substitute—

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“(2) Before requiring the Mayor's Office for Policing and Crime to exercise its power to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign, the Secretary of State shall—”.

(6) In subsection (2A), for the words from “notice” (in the second place) to the end substitute “ notice to the Mayor's Office for Policing and Crime. ”.

(7) In subsection (3A)—

- (a) in paragraph (a), for the words from “, Deputy” to “question” substitute “ or Deputy Commissioner ”;
- (b) in paragraph (b), for the words from “Metropolitan” to “concerned” substitute “ Mayor's Office for Policing and Crime ”.

(8) In subsection (3B), for the words from “, Deputy” to “question” substitute “ or Deputy Commissioner ”.

(9) In subsection (4), for the words from “, the Deputy” to “constable” substitute “ or Deputy Commissioner ”.

(10) For subsection (4A) substitute—

“(4A) If the Secretary of State exercises the power conferred by subsection (1) to require the Mayor's Office for Policing and Crime to call upon the Commissioner to retire or resign—

- (a) the requirement of section 48(1) of the 2011 Act to obtain the Secretary of State's consent does not apply, and
- (b) section 48(5) of the 2011 Act does not apply.”.

(11) Omit subsection (4C).

(12) In section 50 (regulations for police forces), after subsection (2) insert—

“(2A) Without prejudice to the generality of subsection (1) or (2), regulations under this section may make provision with respect to the procedures to be followed by police and crime commissioners, or the Mayor's Office for Policing and Crime, in exercising—

- (a) powers of suspension, or
- (b) powers of removal,

(whether, in the case of the Mayor's Office for Policing and Crime, on their own initiative or in compliance with a requirement imposed by the Secretary of State).

(2B) In subsection (2A)—

“power of removal” means—

- (a) the power conferred on police and crime commissioners by section 38(3) of the 2011 Act to require chief constables to retire or resign;
- (b) the power conferred on the Mayor's Office for Policing and Crime by section 48(3) of the 2011 Act to require the Commissioner or Deputy Commissioner of Police of the Metropolis to retire or resign;

“power of suspension” means—

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- (a) the power conferred on police and crime commissioners by section 38(2) of the 2011 Act to suspend chief constables;
- (b) the power conferred on the Mayor's Office for Policing and Crime by section 48(1) of the 2011 Act to suspend the Commissioner or Deputy Commissioner of Police of the Metropolis;

and for this purpose “2011 Act” means the Police Reform and Social Responsibility Act 2011.”.

VALID FROM 16/01/2012

*Her Majesty's inspectors of constabulary*

**83 Functions of HMIC E+W**

(1) Section 54 of the Police Act 1996 (appointment and functions of inspectors of constabulary) is amended as follows.

(2) In subsection (2) omit “to the Secretary of State”.

(3) Omit subsection (2A).

(4) After subsection (2B) insert—

“(2BA) The local policing body for a police area may at any time request the inspectors of constabulary to carry out an inspection under this section of a police force maintained for that police area; and a request under this subsection may include a request for the inspection to be confined to a particular part of the force in question, to particular matters or to particular activities of that force.

(2BB) Where a local policing body requests the inspectors to carry out an inspection under subsection (2BA), the body must pay to the inspectors such reasonable costs incurred or to be incurred in connection with the inspection as the inspectors may require.”.

(5) Omit subsection (2C).

(6) In subsection (4)—

- (a) for “in such form as the Secretary of State may direct” substitute “ on the carrying out of inspections under this section ”, and
- (b) for “Secretary of State” (in the third place) substitute “ chief inspector ”.

(7) After subsection (4) insert—

“(4A) A report under subsection (4) must include the chief inspector's assessment of the efficiency and effectiveness of policing in England and Wales for the year in respect of which the report is prepared.”.

**Commencement Information**

**19** S. 83(1)(2)(4)-(7) in force at 16.1.2012 by [S.I. 2011/3019](#), art. 3, [Sch. 1](#)

**Status:** Point in time view as at 15/11/2011. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

#### **84 HMIC reports: publication** **E+W**

- (1) Section 55 of the Police Act 1996 (publication of reports) is amended as follows.
- (2) For subsection (1) substitute—
  - “(1) The inspectors of constabulary must arrange for any report prepared under section 54 to be published in such manner as appears to the inspectors to be appropriate.”.
- (3) For subsection (2) substitute—
  - “(2) But the inspectors of constabulary must exclude from publication under subsection (1) anything that the inspectors consider—
    - (a) would be against the interests of national security, or
    - (b) might jeopardise the safety of any person.
  - (2A) The inspectors must disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).”.
- (4) For subsection (3) substitute—
  - “(3) The inspectors of constabulary must send a copy of the published report to—
    - (a) the Secretary of State,
    - (b) the local policing body maintaining the police force to which the report relates,
    - (c) the chief officer of police of that police force, and
    - (d) any police and crime panel established under section 28 of the Police Reform and Social Responsibility Act 2011 for the police area of that police force.”.
- (5) In subsection (4)—
  - (a) for “police authority” substitute “ local policing body ”, and
  - (b) for “authority” substitute “ body ”.
- (6) In subsection (5)—
  - (a) for “police authority” substitute “ local policing body ”, and
  - (b) in paragraph (c) and in the words following that paragraph, for “authority” substitute “ body ”.
- (7) In subsection (6) for “police authority” substitute “ local policing body ”.
- (8) Omit subsection (8).

#### **85 Inspection programmes and frameworks** **E+W**

- (1) Paragraph 2 of Schedule 4A to the Police Act 1996 (further provision about HMIC) is amended as follows.
- (2) In sub-paragraph (1) omit “, or at such times as the Secretary of State may specify by order,”.
- (3) In sub-paragraph (2) for “each of those persons or bodies” substitute “ the Secretary of State ”.
- (4) After sub-paragraph (2) insert—

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“(2A) The chief inspector of constabulary must—

- (a) lay before Parliament a copy of each inspection programme or inspection framework prepared under this paragraph,
- (b) arrange for each such programme or framework to be published in such manner as the chief inspector thinks appropriate, and
- (c) send a copy of each such programme or framework to each of the persons or bodies listed in sub-paragraph (2)(a) to (j).

(2B) But the chief inspector of constabulary must obtain the approval of the Secretary of State to the inspection programme or framework in question before acting under sub-paragraph (2A).”.

(5) In sub-paragraph (3)—

- (a) before “to send” insert “ under sub-paragraph (2A)(c) ”, and
- (b) for “that sub-paragraph” substitute “ sub-paragraph (2) ”.

(6) Omit sub-paragraph (4).

(7) Before sub-paragraph (5) insert—

“(4A) The Secretary of State may by order specify matters to which the chief inspector of constabulary must have regard in preparing an inspection programme or an inspection framework.

(4B) Those matters may (in particular) include the need to secure, so far as possible, the following objectives—

- (a) that any requirements placed on police forces as a result of inspections carried out under section 54 are not unduly burdensome; and
- (b) that inspections under that section can be carried out promptly in response to matters that raise issues of national importance in relation to the police.

(4C) For the purposes of sub-paragraph (4B)(b), the Secretary of State may issue guidance as to the matters that raise issues of national importance in relation to the police; and the chief inspector of constabulary must have regard to any such guidance in preparing an inspection programme or an inspection framework.”.

## 86 Powers in connection with HMIC inspections **E+W**

(1) In Schedule 4A to the Police Act 1996 (further provision about HMIC), after paragraph 6 insert—

### “Powers of inspectors regarding information etc

6A (1) The chief officer of police of a police force must—

- (a) provide to an inspector such information and documents specified or described in a notification given by the inspector to that chief officer, and
- (b) produce or deliver up to the inspector all such evidence and other things so specified or described,

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)

as appear to the inspector to be required for the purposes of an inspection under section 54.

- (2) A notification under sub-paragraph (1) requiring any information or documents to be provided may authorise or require that they be provided electronically.
- (3) Anything that a chief officer is obliged to provide, produce or deliver up by virtue of a requirement imposed under sub-paragraph (1) must be provided, produced or delivered up in such form and manner, and within such period, as may be specified—
  - (a) in the notification imposing the requirement, or
  - (b) in any subsequent notification given by the inspector to the chief officer.
- (4) Nothing in this paragraph requires a chief officer—
  - (a) to comply with an obligation imposed under sub-paragraph (1) before the earliest time at which it is practicable to do so, or
  - (b) to comply at all with any such obligation if it never becomes practicable to do so.
- (5) In this paragraph—
 

“document” means anything in which information of any description is recorded, and

“inspector” means—

  - (a) an inspector of constabulary, or
  - (b) a person appointed under section 56 as an assistant inspector of constabulary or staff officer to the inspectors of constabulary.

#### **Powers of inspectors regarding access to police premises**

- 6B (1) Sub-paragraph (2) applies if—
- (a) an inspector requires the chief officer of police of a police force to allow the inspector to have access to any premises occupied for the purposes of that force and to documents and other things on those premises, and
  - (b) the requirement is imposed for the purposes of an inspection under section 54.
- (2) The chief officer must secure that the required access is allowed to the inspector.
  - (3) Where there are reasonable grounds for not allowing the inspector to have the required access at the time at which the inspector seeks to have it, the obligation under sub-paragraph (2) has effect as an obligation to secure that the required access is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be any such grounds.
  - (4) In this paragraph “document” and “inspector” have the same meanings as in paragraph 6A.”.

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 1. (See end of Document for details)*

## 87 **HMIC and freedom of information** **E+W**

In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert—“The chief inspector of constabulary appointed under section 54(1) of the Police Act 1996.”.

VALID FROM 16/01/2012

### *Community safety partnerships*

## 88 **Crime and disorder strategies** **E+W**

Schedule 11 (which contains amendments to sections 5 to 7 of the Crime and Disorder Act 1998 in relation to the formulation and implementation of crime and disorder strategies) has effect.

VALID FROM 16/01/2012

### *Policing in England and Wales*

## 89 **Collaboration agreements** **E+W**

- (1) The Police Act 1996 is amended in accordance with subsections (2) and (3).
- (2) After section 22 insert—

### **“22A Collaboration agreements**

- (1) A collaboration agreement may be made by—
  - (a) two or more policing bodies; or
  - (b) the chief officers of police of one or more police forces and two or more policing bodies.
- (2) A collaboration agreement is an agreement containing one or more of the following—
  - (a) provision about the discharge of functions of members of a police force (“force collaboration provision”);
  - (b) provision about support by a policing body for another policing body (“policing body collaboration provision”);
  - (c) provision about support by a policing body for the police force which another policing body is responsible for maintaining (“policing body & force collaboration provision”).
- (3) A collaboration agreement may not contain force collaboration provision unless the parties to the agreement consist of, or include,—
  - (a) the chief officer of police of each police force to which the provision relates, and



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- (b) the policing body that is responsible for maintaining each such police force.
- (4) A collaboration agreement may not contain policing body collaboration provision unless the parties to the agreement consist of, or include, each policing body to which the provision relates.
- (5) A collaboration agreement may not contain policing body & force collaboration provision unless the parties to the agreement consist of, or include—
  - (a) the policing body, or each policing body, to which the provision relates;
  - (b) the chief officer of police of the police force, or each police force, to which the provision relates; and
  - (c) the policing body that is responsible for maintaining each such police force.
- (6) Subsection (1) does not prevent other persons from being parties to collaboration agreements.
- (7) Subsection (2) does not prevent a collaboration agreement from including other kinds of provision.
- (8) For the purposes of subsections (3) and (5), the circumstances in which force collaboration provision, or policing body & force collaboration provision, is to be taken to relate to a police force include the cases where provision relates—
  - (a) to functions of a kind which are or may be exercisable by members of that police force, or
  - (b) to the police area for which that police force is established.
- (9) For the purposes of subsections (4) and (5), the circumstances in which policing body collaboration provision, or policing body & force collaboration provision, is to be taken to relate to a policing body include the cases where provision relates—
  - (a) to functions of a kind which are or may be exercisable by that policing body or members of the staff of that body, or
  - (b) to the police area for which that policing body is established.

#### **22B Duty of chief officers to keep collaboration agreements under review**

- (1) The chief officer of police of a police force must keep under consideration the ways in which the collaboration functions could be exercised by the chief officer and by one or more other persons to improve the efficiency or effectiveness of—
  - (a) that police force, and
  - (b) one or more other police forces.
- (2) If the chief officer considers that there is a particular way in which the collaboration functions could be so exercised by the chief officer and by one or more other particular persons (“the proposed collaboration”), the

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chief officer must notify those other persons (the “proposed partners”) of the proposed collaboration.

- (3) The chief officer, and the proposed partners notified under subsection (2) (the “notified proposed partners”), must consider whether to exercise the collaboration functions to give effect to the proposed collaboration.
- (4) In considering whether to so exercise the collaboration functions, the chief officer and the notified proposed partners must consider whether the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more police forces.
- (5) Subsection (6) applies if all, or two or more, of—
  - (a) the chief officer, and
  - (b) the notified proposed partners,
 (the “agreeing parties”) are of the view that the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more police forces (if the agreeing parties were to exercise the collaboration functions to give effect to the proposed collaboration, or to give effect to it so far as it relates to them).
- (6) The agreeing parties must exercise the collaboration functions so as to give effect to the proposed collaboration or to give effect to it so far as it relates to them.
- (7) In this section “collaboration functions” means functions of chief officers of police or policing bodies under any of sections 22A to 23I (apart from this section).

### **22C Duty of policing bodies to keep collaboration agreements under review**

- (1) A policing body must keep under consideration the ways in which the collaboration functions could be exercised by the policing body and by one or more other persons to improve—
  - (a) the efficiency or effectiveness of—
    - (i) that policing body,
    - (ii) the police force which that policing body is responsible for maintaining, or
    - (iii) that body and that force, and
  - (b) the efficiency or effectiveness of one or more other policing bodies and police forces.
- (2) If the policing body considers that there is a particular way in which the collaboration functions could be so exercised by the policing body and by one or more other particular persons (“the proposed collaboration”), the policing body must notify those other persons (the “proposed partners”) of the proposed collaboration.
- (3) The policing body, and the proposed partners notified under subsection (2) (the “notified proposed partners”), must consider whether to exercise the collaboration functions to give effect to the proposed collaboration.

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- (4) In considering whether to so exercise the collaboration functions, the policing body and the notified proposed partners must consider whether the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more policing bodies or police forces.
- (5) Subsection (6) applies if all, or two or more, of—
- (a) the policing body, and
  - (b) the notified proposed partners,
- (the “agreeing parties”) are of the view that the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more policing bodies or police forces (if the agreeing parties were to exercise the collaboration functions to give effect to the proposed collaboration, or to give effect to it so far as it relates to them).
- (6) The agreeing parties must exercise the collaboration functions so as to give effect to the proposed collaboration, or to give effect to it so far as it relates to them.
- (7) In this section “collaboration functions” means functions of policing bodies or chief officers of police under any of sections 22A to 23I (apart from this section).”.
- (3) After section 23F insert—

**“23FA Police functions that must be the subject of force collaboration provision**

- (1) The Secretary of State may, by order, require a specified police function to be exercised in relation to—
  - (a) all police areas, or
  - (b) all police areas apart from any specified in the order,
 in accordance with police collaboration provision.
- (2) An order under this section may specify whether the specified police function is required to be exercised in relation to the specified police areas in accordance with police collaboration provision contained in—
  - (a) a single collaboration agreement which relates to all of those police areas, or
  - (b) a number of collaboration agreements which, between them, relate to all of those police areas.
- (3) Provision under subsection (2)(b) need not specify a particular number of collaboration agreements.
- (4) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) If, but for this subsection, an instrument containing an order under this section would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

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(6) In this section “specified” means specified in an order under this section.”.

(4) Schedule 12 (collaboration agreements) has effect.

**90 Police powers for civilian employees under collaboration agreements** **E+W**

Schedule 13 (police powers for civilian employees under collaboration agreements) has effect.

**91 Power to give directions** **E+W**

(1) The Police Act 1996 is amended as follows.

(2) In section 40 (powers to give directions in relation to police force), for “police authority” (in each place) substitute “ local policing body ”.

(3) In section 40A (powers to give directions in relation to police authority)—

(a) for “police authority” (in each place, including in the title) substitute “ local policing body ”;

(b) for “the authority” substitute “ the local policing body ”.

(4) In section 40B (procedure for directions under section 40 or 40A)—

(a) for subsection (2)(a) substitute—

“(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(aa) the Mayor's Office for Policing and Crime;

(ab) the Common Council;”;

(b) in subsection (5), for “police authority” substitute “ local policing body ”.

**92 Provision of information by chief officers of police** **E+W**

In the Police Act 1996, for section 44 (reports from chief constables) and section 45 (criminal statistics) substitute—

**“44 Provision of information by chief officers of police**

(1) The Secretary of State may require a chief officer of police of any police force to provide the Secretary of State with information on such matters as may be specified in the requirement, being matters connected with—

(a) the policing of the police area for which that police force is maintained, or

(b) the discharge of the national or international functions of that police force.

(2) A requirement under subsection (1) may, in particular, specify information in the form of statistical data, being data connected with—

(a) the policing of that police area, or

(b) the discharge of the national or international functions of the police force for that area.

(3) A requirement under subsection (1) may specify the form in which information is to be provided.

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(4) The Secretary of State may require a chief officer to publish, in such manner as appears to the Secretary of State to be appropriate, information provided in accordance with a requirement under subsection (1).

(5) The Secretary of State may cause a consolidated and classified abstract of any information in the form of statistical data that is provided in accordance with subsection (1) to be prepared and laid before Parliament.”

### 93 Regulations about provision of equipment **E+W**

(1) Section 53 of the Police Act 1996 (regulations as to standard of equipment) is amended as follows.

(2) In the title, after “**standard**” insert “**and provision**”.

(3) After subsection (1A) insert—

“(1AA) The Secretary of State may, by regulations, make provision about the arrangements which must be, may be, or must not be, used for the provision of equipment for use for police purposes.

(1AB) The regulations may, in particular—

- (a) make provision about the nature or terms of such arrangements, or
- (b) prescribe arrangements which may be, or must be, used.”

(4) In subsection (1B), after “subsection (1A)” insert “or (1AA)”.

(5) In subsection (2), for paragraph (a) substitute—

- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (aa) the Mayor's Office for Policing and Crime;
- (ab) the Common Council;”.

### 94 National and international functions **E+W**

(1) Section 96A of the Police Act 1996 (national and international functions of the metropolitan police) is amended in accordance with subsections (2) to (6).

(2) In the title, after “**police**” insert “**force and other police forces**”.

(3) For subsection (1) substitute—

“(1) The Secretary of State and the Mayor's Office for Policing and Crime may enter into agreements with respect to the level of performance to be achieved by the metropolitan police force in respect of any of its national or international functions.

(1A) The Secretary of State and the police and crime commissioner that maintains a police force may enter into agreements with respect to the level of performance to be achieved by the police force in respect of any of its national or international functions.

(1B) The Secretary of State and the Common Council may enter into agreements with respect to the level of performance to be achieved by the City of London police force in respect of any of its national or international functions.”

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- (4) In subsection (2)—
- (a) for “the metropolitan police force” substitute “ a police force ”;
  - (b) for “Metropolitan Police Authority” substitute “ local policing body ”.
- (5) In subsection (3), for “The Metropolitan Police Authority” substitute “ A local policing body ”.
- (6) Omit subsection (4).
- (7) Omit section 96B of the Police Act 1996 (national and international functions: application of requirements relating to reports etc).

*Police: complaints*

**95 Police: complaints** **E+W**

Schedule 14 (police: complaints) has effect.

**Commencement Information**

**I10** S. 95 in force at 15.11.2011 for specified purposes by S.I. 2011/2515, art. 3(c)

**CHAPTER 8** **E+W+S**

MISCELLANEOUS PROVISIONS

VALID FROM 16/01/2012

**96 Interpretation of Police Act 1996** **E+W**

- (1) Section 101 of the Police Act 1996 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “City of London police area” insert—
    - ““Common Council” means the Common Council of the City of London in its capacity as police authority for the City of London police area;
    - “elected local policing body” means—
      - (a) a police and crime commissioner;
      - (b) the Mayor's Office for Policing and Crime;
    - “local policing body” means—
      - (a) a police and crime commissioner (in relation to a police area listed in Schedule 1);
      - (b) the Mayor's Office for Policing and Crime (in relation to the metropolitan police district);

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(c) the Common Council (in relation to the City of London police area);

“Mayor's Office for Policing and Crime” means the body established under section 3 of the Police Reform and Social Responsibility Act 2011;”;

(b) after the definition of “metropolitan police district” insert—

““national or international functions” means functions relating to—

- (a) the protection of prominent persons or their residences,
- (b) national security,
- (c) counter-terrorism, or
- (d) the provision of services for any other national or international purpose;

“police and crime commissioner” means a body established under section 1 of the Police Reform and Social Responsibility Act 2011;”;

- (c) omit the definition of “police authority”;
- (d) in the definition of “police force”, for “police authority” substitute “ local policing body ”;
- (e) in the definition of “police fund”, for paragraph (a) substitute—

“(a) in relation to a police area for which there is an elected local policing body, the fund kept by that body under section 21 of the Police Reform and Social Responsibility Act 2011;”.

(3) After subsection (2) insert—

“(3) References in this Act to the staff of a police and crime commissioner, or to the staff of the Mayor's Office for Policing and Crime, have the same meaning as in the Police Reform and Social Responsibility Act 2011.”.

VALID FROM 16/01/2012

## 97 Amendments of the Interpretation Act 1978 **E+W**

(1) Schedule 1 to the Interpretation Act 1978 (words and expressions defined) is amended as follows.

(2) After the entry for “Local land charges register” insert—

““Local policing body” has the meaning given by section 101(1) of the Police Act 1996.”.

(3) After the entry for “Person” insert—

““Police and crime commissioner” means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.”.

(4) In the entry that begins “Police area”, omit “, police authority”.

(5) After the entry that begins “Police Area” insert—

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““Police authority”, in relation to Scotland, has the meaning or effect described by sections 50 and 51(4) of the Police (Scotland) Act 1967.”.

## 98 Police reform: transitional provision **E+W+S**

Schedule 15 (police reform: transitional provision) has effect.

### Commencement Information

**III** S. 98 in force at 31.10.2011 for specified purposes by S.I. 2011/2515, art. 2(c)

VALID FROM 16/01/2012

## 99 Police reform: minor and consequential amendments **E+W**

Schedule 16 (police reform: minor and consequential amendments) has effect.

VALID FROM 16/01/2012

## 100 Guidance **E+W**

Any guidance under this Part—

- (a) must be in writing;
- (b) may be varied or revoked by further guidance;
- (c) may be given to one or more particular persons, or generally;
- (d) may make provision generally or in relation to specific cases; and
- (e) may make different provision for different cases.

VALID FROM 16/01/2012

## 101 Crime and disorder reduction **E+W**

- (1) A reference to crime and disorder reduction is a reference to—
  - (a) reduction of crime and disorder (including anti-social and other behaviour adversely affecting the local environment),
  - (b) combating the misuse of drugs, alcohol and other substances, and
  - (c) reduction of re-offending.
- (2) In this section “anti-social behaviour” means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person.
- (3) This section applies for the purposes of this Part.



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VALID FROM 16/01/2012

## 102 Interpretation of Part 1 **E+W**

(1) In this Part (unless otherwise specified)—

“chief executive” means—

- (a) in relation to a police and crime commissioner, the chief executive appointed by the commissioner under Schedule 1;
- (b) in relation to the Mayor's Office for Policing and Crime, the chief executive appointed by the Office under Schedule 3;

“chief finance officer” means—

- (a) in relation to a police and crime commissioner, the chief finance officer appointed by the commissioner under Schedule 1;
- (b) in relation to the chief constable of a police force to which Chapter 1 applies, the chief finance officer appointed by the chief constable under Schedule 2;
- (c) in relation to the Mayor's Office for Policing and Crime, the chief finance officer appointed by the Office under Schedule 3;
- (d) in relation to the Commissioner of Police of the Metropolis, the chief finance officer appointed by the Commissioner under Schedule 4;

“chief officer of police” means—

- (a) in relation to a police force maintained under section 2 of the Police Act 1996, the chief constable of that force;
- (b) in relation to the metropolitan police force, the Commissioner of Police of the Metropolis;

“crime and disorder reduction” has the meaning given in section 101;

“elected local policing body” means—

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police and crime commissioner for the area;
- (b) in relation to the metropolitan police district, the Mayor's Office for Policing and Crime;

“national or international functions” means functions relating to—

- (a) the protection of prominent persons or their residences,
- (b) national security,
- (c) counter-terrorism, or
- (d) the provision of services for any other national or international purpose;

“police and crime panel” means—

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police and crime panel referred to in subsection (1) of section 28;
- (b) in relation to the metropolitan police district, the committee established under section 32;

“police and crime plan” has the meaning given in section 7;

“police area” means—

- (a) a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London), and
- (b) the metropolitan police district;

“relevant chief officer of police”, in relation to—

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- (a) a police area,
- (b) the police force for a police area,
- (c) the elected local policing body for a police area, or
- (d) the police and crime panel for a police area,

means the chief officer of police of the police force for that area;

“relevant elected local policing body”, in relation to—

- (a) a police area,
- (b) the police force for a police area,
- (c) the chief officer of police of the police force for a police area, or
- (d) the police and crime panel for a police area,

means the elected local policing body for that area;

“relevant police and crime panel”, in relation to—

- (a) a police area,
- (b) the police force for a police area,
- (c) the chief officer of police of the police force for a police area, or
- (d) the elected local policing body for a police area,

means the police and crime panel for that area;

“relevant police force”, in relation to—

- (a) a police area,
- (b) a chief officer of police of the police force for a police area,
- (c) the elected local policing body for a police area, or
- (d) the police and crime panel for a police area,

means the police force for that area.

- (2) References in this Part to a police and crime commissioner's area are references to the police area for which the commissioner is established.
- (3) References in this Part to a police and crime commissioner's staff are references to the following persons appointed under Schedule 1—
  - (a) the commissioner's chief executive;
  - (b) the commissioner's chief finance officer; and
  - (c) other staff;
 and to the person (if any) appointed as the deputy police and crime commissioner under section 18.
- (4) References in this Part to a police force's civilian staff are (except in the case of the metropolitan police force) references to—
  - (a) the chief finance officer appointed by the chief constable of the force under paragraph 4 of Schedule 2, and
  - (b) the other staff appointed by that chief constable under that Schedule.
- (5) References in this Part to the staff of the Mayor's Office for Policing and Crime are references to—
  - (a) the Office's chief finance officer appointed under section 127(2) of the Greater London Authority Act 1999;
  - (b) the Office's chief executive appointed under Schedule 3;
  - (c) other staff appointed under Schedule 3; and

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- (d) the person (if any) appointed under section 19 as the Deputy Mayor for Policing and Crime (subject to paragraph 4(4) of Schedule 3 (Deputy Mayor an Assembly member)).
- (6) References in this Part to the metropolitan police force's civilian staff are references to—
  - (a) the chief finance officer appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4, and
  - (b) the other staff appointed by the Commissioner under that Schedule.

**Status:**

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**Changes to legislation:**

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