

Status: Point in time view as at 30/09/2013.

Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 8

APPOINTMENT, SUSPENSION AND REMOVAL OF SENIOR POLICE OFFICERS

PART 2

SUSPENSION AND REMOVAL OF CHIEF CONSTABLES

Suspension

- 11 If a police and crime commissioner suspends a chief constable from duty under section 38, the commissioner must notify the relevant police and crime panel of the suspension.

Commencement Information

- 11** Sch. 8 para. 11 in force at 22.11.2012 by S.I. 2012/2892, art. 2(e)

Removal: general

- 12 (1) A police and crime commissioner must not call upon a chief constable to retire or resign until the end of the scrutiny process has been reached.
- (2) The end of the scrutiny process is reached when the first of the following events occurs—
- (a) the period of six weeks mentioned in paragraph 15(3) has ended without the panel having given the police and crime commissioner any recommendation as to whether or not the commissioner should call for the retirement or resignation;
 - (b) the police and crime commissioner notifies the panel under paragraph 16(2) of the decision whether or not to accept the panel's recommendation in relation to the resignation or retirement.

Commencement Information

- 12** Sch. 8 para. 12 in force at 22.11.2012 by S.I. 2012/2892, art. 2(e)

Removal: notification and representations

- 13 (1) A police and crime commissioner must comply with this paragraph before calling upon a chief constable to retire or resign under section 38.

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- (2) The police and crime commissioner must give the chief constable a written explanation of the reasons why the commissioner is proposing to call for the retirement or resignation.
- (3) The police and crime commissioner must give the relevant police and crime panel—
 - (a) written notification that the commissioner is proposing to call upon the chief constable to retire or resign; and
 - (b) a copy of the reasons given to the chief constable in accordance with subparagraph (1).
- (4) The police and crime commissioner must give the chief constable the opportunity to make written representations about the proposal to call for the chief constable's resignation or retirement.
- (5) The police and crime commissioner must—
 - (a) consider any written representations made by the chief constable; and
 - (b) give the relevant police and crime panel a copy of any such representations made by the chief constable, as soon as practicable after the commissioner is given them.

Commencement Information

I3 Sch. 8 para. 13 in force at 22.11.2012 by S.I. 2012/2892, art. 2(e)

Removal: further notification

- 14 (1) A police and crime commissioner must comply with this paragraph if, after complying with paragraph 13, the police and crime commissioner is still proposing to call upon the chief constable to retire or resign under section 38.
- (2) The police and crime commissioner must notify—
 - (a) the chief constable, and
 - (b) the relevant police and crime panel,
 that the commissioner is still proposing to call upon the chief constable to retire or resign.

Commencement Information

I4 Sch. 8 para. 14 in force at 22.11.2012 by S.I. 2012/2892, art. 2(e)

Removal: role of panel

- 15 (1) This paragraph applies if a police and crime panel is given a notification under paragraph 14.
- (2) The panel must make a recommendation to the police and crime commissioner as to whether or not the commissioner should call for the retirement or resignation.
- (3) The recommendation must be given to the police and crime commissioner in writing before the end of the period of six weeks beginning with the day on which the panel receives the notification under paragraph 14.

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- (4) Before making the recommendation, the panel—
 - (a) may consult the chief inspector of constabulary, and
 - (b) must hold a scrutiny hearing.
- (5) The panel must publish the recommendation made under this paragraph.
- (6) It is for the panel to determine the manner in which the recommendation is to be published in accordance with sub-paragraph (5).
- (7) In calculating the period of six weeks mentioned in sub-paragraph (3), any relevant post-election period is to be ignored.
- (8) For that purpose, “relevant post-election period” means the period that—
 - (a) begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50, and
 - (b) ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance of office under section 70.
- (9) For the purposes of this Part a “scrutiny hearing” is a meeting of the panel, held in private, which the police and crime commissioner and the chief constable are both entitled to attend for the purpose of making representations relating to the proposal to call upon the chief constable to retire or resign.
- (10) References in this Part to a person appearing at a meeting of the panel are references to the person—
 - (a) attending the meeting in person, or
 - (b) not attending the meeting in person, but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.

Commencement Information

I5 Sch. 8 para. 15 in force at 22.11.2012 by S.I. 2012/2892, art. 2(e)

Removal: consideration of panel's recommendation

- 16
- (1) The police and crime commissioner—
 - (a) must consider the panel's recommendation given under paragraph 15, and
 - (b) having considered the recommendation, may accept or reject it.
 - (2) The police and crime commissioner must notify the panel of the decision whether or not to accept the recommendation.

Commencement Information

I6 Sch. 8 para. 16 in force at 22.11.2012 by S.I. 2012/2892, art. 2(e)

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