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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes detailed provision in relation to the transfer of police and crime commissioner functions from the police and crime commissioner for Greater Manchester to the mayor of the Greater Manchester Combined Authority (“the mayor”), which was provided for by the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 (S.I. 2016/448).

Article 3 of this Order provides that, in relation to the mayor’s police and crime commissioner (“PCC”) functions, the mayor is to be treated as a PCC for the purposes of all legislation affecting PCCs. This is subject to certain modifications of such in their application to the mayor set out in Schedule 1 to the Order and does not apply in respect of the legislative provisions listed in Schedule 2 to the Order.

Articles 4 to 8 make transitional provision in relation to the transfer of functions, in particular in relation to transfer of property, rights and liabilities. The property, rights and liabilities of the PCC for Greater Manchester are to transfer to the Greater Manchester Combined Authority. In relation to such property, rights and liabilities (and any acquired in relation to the mayor’s PCC functions after the transfer) the mayor is to exercise all functions in relation to such property etc, make all decisions relating to it. Any receipts arising from such property, rights and liabilities or from property, rights and liabilities acquired in the future, are to be paid into the police fund.

Article 9 extends the period in which the statement of accounts required by the Local Audit and Accountability Act 2014 in relation to the PCC for Greater Manchester (or, after the transfer, the combined authority in respect of the PCC’s accounts), and the chief constable for that area is to be prepared.

Article 10 makes amendments to the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). In particular, it amends section 64 of the 2011 Act so that any person nominated as a candidate at a combined authority mayoral election (where the mayor is to exercise PCC functions) is disqualified from being elected as a PCC at a PCC election (whether an ordinary election or by-election) held on the same day. A person who is a combined authority mayor that exercises PCC functions is also disqualified from being elected at a PCC by-election.

Article 11 applies section 86 of the Local Government Act 1972 (“the 1972 Act”) in relation to the mayor but with a modification to that section which has the effect that where a mayor ceases to be mayor by virtue of being unable to act for more than six months (see section 63 of the Police Reform and Social Responsibility Act 2011), the combined authority shall declare the office of mayor to be vacant, unless there is a High Court declaration under Part 5 of the 1972 Act.