
STATUTORY INSTRUMENTS

2023 No. 1432

The York and North Yorkshire Combined Authority Order 2023

PART 9

Police and crime commissioner functions

Police and crime commissioner functions

32.—(1) The Mayor is to exercise functions of a police and crime commissioner in relation to the Area.

(2) There is to be no police and crime commissioner for the Area from 7th May 2024.

(3) Any election of a police and crime commissioner for the Area that would otherwise take place (whether before, on or after 7th May 2024) by virtue of section 50(1)(b) of the PRSR Act (ordinary elections)(1) is not to take place.

(4) The term of office of the police and crime commissioner for North Yorkshire is to continue until 7th May 2024.

(5) Any election to fill a vacancy in the office of police and crime commissioner for North Yorkshire which would otherwise take place under section 51 of the PRSR Act (election to fill vacancy in office of commissioner)(2) is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending on 2nd May 2024.

Transfer of police and crime commissioner functions

33.—(1) Subject to paragraphs (2) and (3), the Mayor is to be treated, in relation to the Mayor's PCC functions(3), as a police and crime commissioner for the purposes of all police and crime commissioner enactments, whenever passed or made(4).

(2) In their application to the Mayor, the police and crime commissioner enactments set out in Schedule 5 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to the enactments set out in Schedule 6.

Transfer of property, rights and liabilities

34.—(1) All property, rights and liabilities, including rights and liabilities in relation to contracts of employment, which immediately before 7th May 2024 were property, rights and liabilities of the police and crime commissioner for North Yorkshire are to transfer to, and by virtue of this paragraph vest in, the Combined Authority on 7th May 2024.

(2) In relation to the property rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the Mayor's PCC functions on or after 7th May 2024—

(1) Section 50 was amended by section 8(1) – (4) of the Wales Act 2017 (c. 4).

(2) Section 51 was amended by section 8(5) of the Wales Act 2017.

(3) "PCC functions" is defined at section 107F(3) of the 2009 Act.

(4) "Police and crime commissioner enactment" is defined at paragraph 12(5) of Schedule 5C to the 2009 Act.

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the Mayor;
- (c) any receipts arising from such property, rights and liabilities, whether arising from their use, sale, disposal or otherwise, are to be paid into the police fund kept by the Mayor by virtue of section 21 of the PRSR Act (police fund).

(3) All monies held in the police fund kept by the police and crime commissioner for North Yorkshire under section 21 of the PRSR Act immediately before 7th May 2024 are, on that date, to transfer to the police fund kept by the Mayor by virtue of that section, as applied in accordance with article 33.

(4) Nothing in paragraph (2) prevents the Mayor from making arrangements under section 18 of the PRSR Act (delegation of functions by police and crime commissioners)(5), as applied in accordance with article 33 in relation to the matters mentioned in paragraph (2).

Secondments

35. In the case of a person who immediately before 7th May 2024 is seconded to the police and crime commissioner for North Yorkshire, the secondment is to have effect, beginning on that date as a secondment to the Combined Authority.

Continuity

36.—(1) The abolition of the police and crime commissioner for North Yorkshire, the transfer or abolition of the commissioner’s functions and the transfer of the commissioner’s property, rights and liabilities do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under this Part from the police and crime commissioner for North Yorkshire to the Combined Authority.

(3) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred; and
- (b) is in the process of being done by or in relation to the police and crime commissioner for North Yorkshire immediately before 7th May 2024.

(4) Anything which—

- (a) was made or done by or in relation to the police and crime commissioner for North Yorkshire for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before 7th May 2023,

has effect as if made or done by or in relation to the Combined Authority.

(5) The Combined Authority is to be substituted for the police and crime commissioner for North Yorkshire in any instrument, contract or legal proceedings which—

- (a) relates to any of the functions, property, rights or liabilities transferred; and
- (b) is made or commenced before 7th May 2024.

(6) In this article a reference to the transfer of a function includes a reference to the abolition of a function and the conferral of a corresponding function on another person.

(5) Section 18 was amended by paragraphs 52 and 53 of Schedule 7 to the 2011 Act, paragraphs 115 and 116 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2), and by section 23(2) of the Policing and Crime Act 2017 (c. 3).

Foreign property etc, perfection of vesting

37.—(1) Subsections (2) to (8) of section 414 of the 1999 Act (foreign property, rights and liabilities: perfection of vesting)(**6**) apply to the transfer by or under this Part of any foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of paragraph (1)—

- (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Part; and
- (b) references to the transferor and transferee are to be construed accordingly.

Transfers: supplementary provision

38.—(1) All property, rights and liabilities transferred by this Part are to be transferred, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Part, whether or not any consent required to the transfer has been obtained.

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document is to operate or become exercisable or be contravened, by reason of the transfer made by this Part.

(4) Paragraphs (1) to (3) have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
- (b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by this Part of land or other property.

(5) In paragraph (3), “relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act; or
- (c) any deed or other instrument.

Extension of financial year of Police and Crime Commissioner and Chief Constable for North Yorkshire

39.—(1) The following requirements are modified in the case of the police and crime commissioner for North Yorkshire and the chief constable for the financial year which began on 1st April 2023.

(2) The requirement in section 3(3) of the Local Audit and Accountability Act 2014 (general requirements for accounts)(**7**) to prepare a statement of accounts for each financial year ending with 31st March is modified so that the period ends with 6th May 2024.

(3) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)(**8**) is modified so that the relevant responsible financial officer must ensure that the commencement of the period for the exercise of

(6) 1999 c. 29.

(7) 2014 c. 2.

(8) S.I. 2015/234. Relevant amendments were made by S.I. 2020/404, 2021/263, and 2021/565.

public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of those Regulations (period for the exercise of public rights) begins on 18th June 2024.

(4) In this article—

“the chief constable” means the chief constable of the police force for North Yorkshire;

“the relevant responsible financial officer”(9) means—

- (a) in relation to the police and crime commissioner, the responsible financial officer for the Combined Authority; and
- (b) in relation to the chief constable, the responsible financial officer for the police force for North Yorkshire.

Modification to the Local Government Act 1972

40.—(1) Section 86 of the Local Government Act 1972 (declaration by local authority of vacancy in office in certain cases)(10) applies in relation to the Mayor with the following modification.

(2) After section 86(1)(c), insert—

“or

- (d) ceases to be the Mayor by virtue of section 63 (vacancy where acting commissioner acts for 6 months) of the Police Reform and Social Responsibility Act 2011,”.

(9) “Responsible financial officer” is defined in regulation 2(2) of the Accounts and Audit Regulations 2015.

(10) 1972 c. 70. Section 86 was amended by paragraph 8 of Schedule 14 to the Local Government Act 1985 (c. 51) and by section 59 of and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments not relevant to this instrument.