

Draft Regulations laid before Parliament under section 154(2) of the Police Reform and Social Responsibility Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

POLICE, ENGLAND AND WALES

**The Police and Crime Panels (Modification
of Functions) Regulations 2012**

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 40 of Schedule 6 to the Police Reform and Social Responsibility Act 2011⁽¹⁾.

In accordance with section 154(2) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Police and Crime Panels (Modification of Functions) Regulations 2012 and shall come into force on the day after the day on which they are made.

Modification of functions

2. Where paragraph 10 of Schedule 6 to the Police Reform and Social Responsibility Act 2011 applies, paragraph 3(3) of that Schedule shall have effect as if it read—

“(3) In the case of a multi-authority police area, all the relevant local authorities, with the exception of a defaulting local authority within the meaning of paragraph 10(1)(b), must agree to the making or modification of the panel arrangements.”.

Home Office
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 28 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) provides for each police area listed in Schedule 1 to the Police Act 1996 to have a police and crime panel with the function of scrutinising the actions and decisions of the police and crime commissioner.

Schedule 6 to the 2011 Act makes provision in relation to the establishment and maintenance of police and crime panels. Paragraphs 6 to 9 of Schedule 6 provide for local authorities covered by the police area (“relevant local authorities”) to nominate and appoint members of a police and crime panel in England. In the event of a failure by a relevant local authority to exercise the power to nominate or appoint, paragraph 10 of Schedule 6 requires the Secretary of State to nominate and appoint the appropriate number of members.

Paragraph 3(2)(b) of Schedule 6 requires the relevant local authority or authorities to make panel arrangements, which are arrangements for the establishment and maintenance of the panel.

Regulation 2 of these Regulations modifies paragraph 3(3) of Schedule 6, in circumstances where a relevant local authority has failed to exercise its powers to nominate or appoint. The effect is that the panel arrangements must be agreed by the other relevant local authorities, but not the defaulting local authority.