

# GREATER LONDON AUTHORITY ACT 1999

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part Vi: Police and Probation Services

##### *Sections 314 to 322: Commissioner, Deputy Commissioner, Assistant Commissioners, Commanders and other members of the metropolitan police force*

481. *Section 314, section 316, section 319* and *Schedule 27* set out the functions of the three most senior ranks of the metropolitan police force. Section 314 provides for the metropolitan police force to be under the direction and control of the Commissioner of Police of the Metropolis ("the Commissioner"), and that in discharging this function the Commissioner is to have regard to the MPA's policing plan. An amendment in *Schedule 27* provides that the Commissioner, like Chief Constables and the Commissioner of Police for the City of London, can be required by the Secretary of State to submit a report on matters connected with policing.
482. *Section 316* provides that the Deputy Commissioner of Police of the Metropolis ("the Deputy Commissioner") will exercise the powers and duties of the Commissioner in the latter's absence or with the latter's consent, and will also have all the powers and duties of an Assistant Commissioner. At present there is no statutory rank of Deputy Commissioner, so when the Commissioner has been unable to perform his duties the legal position is that one of the Assistant Commissioners designated for that purpose has exercised them. The Act repeals sections of the Metropolitan Police Act 1856 which cover the powers of Assistant Commissioners; section 319 inserts equivalent provisions into the 1996 Act. An Assistant Commissioner will be able to exercise the powers and duties of the Commissioner with the consent of the latter.
483. *Section 315* and *sections 317 to 320* make provision for the appointment and removal of the four most senior ranks of the metropolitan police force, that is the three Commissioner ranks plus Commanders. A Commander is the highest rank below the three Commissioner ranks, and is considered roughly equivalent to the rank of Assistant Chief Constable outside London. *Section 322* provides that the ranks that may be held in the metropolitan police force are those prescribed in regulations made under section 50 of the 1996 Act, and that they must include the four senior ranks and the ranks of superintendent, chief inspector, inspector, sergeant and constable.
484. The appointment and dismissal provisions for the four senior ranks are similar to the procedures that are already applied to Chief Constables and Assistant Chief Constables outside London. In particular, regulations made under section 50 of the 1996 Act, which are concerned with the appointment and dismissal of police officers, will be applied to the three Commissioner ranks and to Commanders. One effect of this will be that the Commissioner ranks will in future be police officer appointments - at present they are civilian posts, albeit that all recent incumbents have been police officers.
485. However, there will be a few differences in the appointment procedure to reflect the special status of the metropolitan police force, and those who hold senior office in it. Her Majesty, on a recommendation from the Home Secretary, will as now make

*These notes refer to the Greater London Authority Act 1999  
(c.29) which received Royal Assent on 11th November 1999*

the appointment of a Commissioner. Section 315 requires the Home Secretary to have regard to the MPA's recommendations and any representations from the Mayor before making his recommendation to Her Majesty. The procedure for the appointment of a Deputy Commissioner is set out in section 317 and is the same, except that it is the Commissioner, rather than the Mayor, whose is able to make representations.

486. Appointments of Assistant Commissioners and Commanders will be made by the MPA, subject to the approval of the Secretary of State.
487. The Act also sets out the procedure for the removal of the Commissioner, Deputy Commissioner, Assistant Commissioners and Commanders. The MPA may, having given the officer an opportunity to make representations and having obtained the Secretary of State's approval, call upon the officer to retire in the interests of efficiency or effectiveness.
488. Section 42 of the 1996 Act, which covers the procedure to be followed by the Secretary of State when requiring a police authority to exercise its powers to remove a Chief Constable (or Assistant Chief Constable), is also amended in paragraph 90 of schedule 27 so as to apply that section to the removal of the Commissioner, Deputy Commissioner, Assistant Commissioners and Commanders. Paragraph 95 of Schedule 27 (which amends section 50 of the Police Act 1996 allows the MPA, rather than (as now) the Commissioner, to decide disciplinary cases involving senior officers of the metropolitan police force. (A "senior officer" is a member of a police force holding a rank above that of Superintendent. The three Commissioner ranks (as there will be) and Commanders come within this definition.)
489. *Section 321* makes transitional provision in respect of those individuals who are occupying any of the four senior ranks of the metropolitan police force on the date when the sections of the Act relating to their appointment come into force (which is intended to be 3 July 2000). Such individuals will be deemed to have been appointed under the new arrangements inserted into the 1996 Act by this Act. This will ensure that they are subject to other provisions made by this Act in respect of the four senior ranks – for example, the procedures for handling complaints and discipline cases against them.