

**Changes to legislation:** There are currently no known outstanding effects for the Police and Justice Act 2006, Cross Heading: Membership etc of police authorities. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2 **E+W**

#### AMENDMENTS TO THE POLICE ACT 1996

##### *Membership etc of police authorities*

- 1 In section 4 (membership of police authorities outside Greater London), in subsection (4), for “Schedules 2 and 3” there is substituted “ Schedule 2 ”.

#### Commencement Information

- II** Sch. 2 para. 1 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 2 For Schedule 2 there is substituted—

### “SCHEDULE 2 **E+W**”

Section 4

#### POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

##### *Membership of police authorities*

- 1 (1) The Secretary of State shall by regulations make provision in relation to the membership of police authorities established under section 3.
- (2) Regulations under this paragraph shall provide for a police authority to consist of—
- (a) persons who are members of a relevant council, and
  - (b) other persons, including at least one lay justice.
- (3) Those regulations shall—
- (a) specify the number of members falling within paragraph (a) and paragraph (b) of sub-paragraph (2), and
  - (b) secure that the majority of members of a police authority are persons falling within paragraph (a) of that sub-paragraph.
- (4) Those regulations may make further provision as to qualification for membership, and may provide for a specified number of the members of a police authority to be persons of a specified description.
- (5) Those regulations may include provision as to—
- (a) how a member is to be appointed;
  - (b) disqualification for membership;

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- (c) the tenure of office of a member (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
- (d) re-appointment as a member;
- (e) the validity of acts and proceedings of a person appointed as a member in the event of his disqualification or lack of qualification;
- (f) the validity of proceedings of a police authority in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the authority;
- (g) the payment of remuneration and allowances to a member and the reimbursement of expenses.

*Appointment of councillor members*

- 2 Regulations under paragraph 1 shall provide that—
- (a) in the case of a police authority in relation to which there is only one relevant council, the members falling within paragraph 1(2)(a) are to be appointed by that council;
  - (b) in any other case, those members are to be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.

*Appointment of other members*

- 3 (1) Regulations under paragraph 1 shall provide that the members falling within paragraph 1(2)(b) are to be appointed—
- (a) by the existing members of the authority,
  - (b) from among persons on a short-list prepared by a selection panel.
- (2) Those regulations may make provision as to qualification for membership of a selection panel, and may provide for a specified number of the members of a panel to be persons of a specified description.
- (3) Those regulations may include provision as to—
- (a) the number of members of a selection panel;
  - (b) how and by whom a member of a panel is to be appointed;
  - (c) disqualification for membership;
  - (d) the tenure of office of a member of a panel (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (e) re-appointment as a member of a panel;
  - (f) the conduct of proceedings of a panel, including any procedures that a panel is to follow;
  - (g) the validity of acts and proceedings of a person appointed as a member of a panel in the event of his disqualification or lack of qualification;
  - (h) the validity of proceedings of a panel in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the panel;

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- (i) the payment of remuneration and allowances to a member of a panel and the reimbursement of expenses.

*Chairman and vice chairmen*

- 4 (1) The Secretary of State shall by regulations provide that—
  - (a) a police authority is to appoint a chairman from among its members at each annual meeting; and
  - (b) at an annual meeting a police authority may appoint one or more vice-chairmen from among its members.
- (2) Regulations under this paragraph may make further provision about how a chairman or vice-chairman is to be appointed, and provision as to—
  - (a) qualification and disqualification for appointment;
  - (b) the tenure of office of a chairman or vice-chairman (including the circumstances in which a chairman or vice-chairman ceases to hold office or may be removed or suspended from office);
  - (c) eligibility for re-appointment;
  - (d) the validity of acts and proceedings of a person appointed as chairman or vice-chairman in the event of his disqualification or lack of qualification;
  - (e) the validity of proceedings of a police authority in the event of a vacancy in the office of chairman or vice-chairman or of a defect in the appointment of a chairman or vice-chairman;
  - (f) the payment of remuneration and allowances to a chairman or vice-chairman and the reimbursement of expenses.

*Standards committees*

- 5 The Secretary of State may by regulations make provision as to the payment of remuneration and allowances to, and the reimbursement of expenses of, members of the standards committee of a police authority established under section 3.

*Consultation*

- 6 Before making regulations under this Schedule the Secretary of State shall consult—
  - (a) the Association of Police Authorities,
  - (b) persons whom he considers to represent the interests of county and district councils in England and county and county borough councils in Wales,
  - (c) in the case of regulations that are not to apply to all police authorities established under section 3—
    - (i) any police authority to which the regulations are to apply, and
    - (ii) any relevant council in relation to such an authority,
  - (d) such other persons as he thinks fit.

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### *Supplementary*

- 7 (1) Regulations under this Schedule may make different provision for different police authorities.
- (2) Regulations under this Schedule may make transitional, consequential, incidental and supplemental provision or savings.
- (3) A statutory instrument containing regulations under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### *Interpretation*

- 8 (1) For the purposes of this Schedule a council is a “relevant council” in relation to a police authority in England if it is the council for—
- (a) a county, or
- (b) a district comprised in an area for which there is no county council, which constitutes, or is wholly within, the authority's police area.
- (2) For the purposes of this Schedule a council is a “relevant council” in relation to a police authority in Wales if it is the council for a county or county borough which constitutes, or is wholly within, the authority's police area.
- 9 In this Schedule “lay justice” has the meaning given by section 9 of the Courts Act 2003.”

#### **Commencement Information**

**I2** Sch. 2 para. 2 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 3 In section 5C (membership etc of Metropolitan Police Authority), in subsection (6), for “Schedules 2A and 3” there is substituted “ Schedule 2A ”.

#### **Commencement Information**

**I3** Sch. 2 para. 3 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 4 For Schedule 2A there is substituted—

“SCHEDULE  
 2A **E+W**”

Section 5C

THE METROPOLITAN POLICE AUTHORITY

### *Membership of Authority*

- 1 (1) The Secretary of State shall by regulations make provision in relation to the membership of the Metropolitan Police Authority.

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- (2) Regulations under this paragraph shall provide for the Authority to consist of—
  - (a) persons appointed from among the persons specified in sub-paragraph (3), and
  - (b) other persons, including at least one lay justice.
- (3) The persons referred to in sub-paragraph (2)(a) are—
  - (a) the Mayor of London, and
  - (b) members of the London Assembly.
- (4) Regulations under this paragraph shall—
  - (a) specify the number of members falling within paragraph (a) and paragraph (b) of sub-paragraph (2), and
  - (b) secure that the majority of members of the Authority are persons falling within paragraph (a) of that sub-paragraph.
- (5) Those regulations may make further provision as to qualification for membership, and may provide for a specified number of the members of the Authority to be persons of a specified description.
- (6) Those regulations may include provision as to—
  - (a) how a member is to be appointed;
  - (b) disqualification for membership;
  - (c) the tenure of office of a member (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (d) re-appointment as a member;
  - (e) the validity of acts and proceedings of a person appointed as a member in the event of his disqualification or lack of qualification;
  - (f) the validity of proceedings of the Authority in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the Authority;
  - (g) the payment of remuneration and allowances to a member and the reimbursement of expenses.

*Appointment of members from London Assembly etc*

- 2 Regulations under paragraph 1 shall provide that the members falling within paragraph 1(2)(a) are to be appointed by the Mayor of London.

*Appointment of other members*

- 3 (1) Regulations under paragraph 1 shall provide that—
  - (a) one of the members falling within paragraph 1(2)(b) is to be appointed by the Secretary of State, and
  - (b) the other members are to be appointed by the existing members of the Metropolitan Police Authority from among persons on a short-list prepared by a selection panel.

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- (2) Those regulations may make provision as to qualification for membership of a selection panel, and may provide for a specified number of the members of a panel to be persons of a specified description.
- (3) Those regulations may include provision as to—
  - (a) the number of members of a selection panel;
  - (b) how and by whom a member of a panel is to be appointed;
  - (c) disqualification for membership;
  - (d) the tenure of office of a member of a panel (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (e) re-appointment as a member of a panel;
  - (f) the conduct of proceedings of a panel, including any procedures that a panel is to follow;
  - (g) the validity of acts and proceedings of a person appointed as a member of a panel in the event of his disqualification or lack of qualification;
  - (h) the validity of proceedings of a panel in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the panel;
  - (i) the payment of remuneration and allowances to a member of a panel and the reimbursement of expenses.

*Chairman and vice chairmen*

- 4 (1) The Secretary of State shall by regulations provide that—
  - (a) if the Mayor of London is a member of the Metropolitan Police Authority, he is to be the chairman;
  - (b) if not, the Mayor of London is to appoint a chairman from among the members of the Authority.
- (2) The Secretary of State shall by regulations provide that the Mayor of London may appoint one or more vice-chairmen from among the members of the Authority.
- (3) Regulations under this paragraph may make further provision about how a chairman or vice-chairman is to be appointed, and provision as to—
  - (a) qualification and disqualification for appointment;
  - (b) the tenure of office of a chairman or vice-chairman (including the circumstances in which a chairman or vice-chairman ceases to hold office or may be removed or suspended from office);
  - (c) eligibility for re-appointment;
  - (d) the validity of acts and proceedings of a person appointed as chairman or vice-chairman in the event of his disqualification or lack of qualification;
  - (e) the validity of proceedings of the Authority in the event of a vacancy in the office of chairman or vice-chairman or of a defect in the appointment of a chairman or vice-chairman;
  - (f) the payment of remuneration and allowances to a chairman or vice-chairman and the reimbursement of expenses.

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### *Standards committees*

- 5 The Secretary of State may by regulations make provision as to the payment of remuneration and allowances to, and the reimbursement of expenses of, members of the Metropolitan Police Authority's standards committee.

### *Consultation*

- 6 Before making any regulations under this Schedule, the Secretary of State shall consult—
- (a) the Metropolitan Police Authority,
  - (b) the Association of Police Authorities,
  - (c) the Greater London Authority,
  - (d) persons whom he considers to represent the interests of London boroughs, and
  - (e) such other persons as he thinks fit.

### *Supplementary*

- 7 (1) Regulations under this Schedule may make transitional, consequential, incidental and supplemental provision or savings.
- (2) A statutory instrument containing regulations under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### *Interpretation*

- 8 In this Schedule “lay justice” has the meaning given by section 9 of the Courts Act 2003.”

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#### **Commencement Information**

**I4** Sch. 2 para. 4 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 5 In section 19 (approval of decisions about precepts), in subsection (2)(b), for “appointed under paragraph 2 of Schedule 2” there is substituted “who are members of a relevant council as defined in paragraph 8 of Schedule 2”.

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#### **Commencement Information**

**I5** Sch. 2 para. 5 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 6 Schedules 3 (police authorities: selection of independent members) and 3A (police authorities: selection of lay justice members) are repealed.

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**Commencement Information**

- I6** Sch. 2 para. 6 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)



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