Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

An Act to make provision about the administration and governance of police forces; about the licensing of, and for the imposition of a late night levy in relation to, the sale and supply of alcohol, and for the repeal of provisions about alcohol disorder zones; for the repeal of sections 132 to 138 of the Serious Organised Crime and Police Act 2005 and for the prohibition of certain activities in Parliament Square; to enable provision in local authority byelaws to include powers of seizure and forfeiture; about the control of dangerous or otherwise harmful drugs; to restrict the issue of arrest warrants for certain extra-territorial offences; and for connected purposes. [15th September 2011]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

PART 1

POLICE REFORM

VALID FROM 22/11/2012

CHAPTER 1

POLICE AREAS OUTSIDE LONDON

1 Police and crime commissioners

(1) There is to be a police and crime commissioner for each police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

(2) A police and crime commissioner is a corporation sole.

(3) The name of the police and crime commissioner for a police area is "the Police and Crime Commissioner for" with the addition of the name of the police area.

(4) The police and crime commissioner for a police area is to be elected, and hold office, in accordance with Chapter 6.

(5) A police and crime commissioner has—
- (a) the functions conferred by this section,
- (b) the functions relating to community safety and crime prevention conferred by Chapter 3, and
- (c) the other functions conferred by this Act and other enactments.

(6) The police and crime commissioner for a police area must—
- (a) secure the maintenance of the police force for that area, and
- (b) secure that the police force is efficient and effective.

(7) The police and crime commissioner for a police area must hold the relevant chief constable to account for the exercise of—
- (a) the functions of the chief constable, and
- (b) the functions of persons under the direction and control of the chief constable.

(8) The police and crime commissioner must, in particular, hold the chief constable to account for—
- (a) the exercise of the duty under section 8(2) (duty to have regard to police and crime plan);
- (b) the exercise of the duty under section 37A(2) of the Police Act 1996 (duty to have regard to strategic policing requirement);
- (c) the exercise of the duty under section 39A(7) of the Police Act 1996 (duty to have regard to codes of practice issued by Secretary of State);
- (d) the effectiveness and efficiency of the chief constable's arrangements for co-operating with other persons in the exercise of the chief constable's functions (whether under section 22A of the Police Act 1996 or otherwise);

(e) the effectiveness and efficiency of the chief constable's arrangements under section 34 (engagement with local people);

(f) the extent to which the chief constable has complied with section 35 (value for money);

(g) the exercise of duties relating to equality and diversity that are imposed on the chief constable by any enactment;

(h) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the chief constable by sections 10 and 11 of the Children Act 2004.

(9) The police authorities established for police areas under section 3 of the Police Act 1996 are abolished.

(10) Schedule 1 (police and crime commissioners) has effect.

2 Chief constables

(1) Each police force is to have a chief constable.

(2) The chief constable of a police force is to be appointed, and hold office, in accordance with—

(a) section 38, and

(b) the terms and conditions of the appointment.

(3) A police force, and the civilian staff of a police force, are under the direction and control of the chief constable of the force.

(4) A chief constable has the other functions conferred by this Act and by other enactments.

(5) A chief constable must exercise the power of direction and control conferred by subsection (3) in such a way as is reasonable to assist the relevant police and crime commissioner to exercise the commissioner's functions.

(6) Subsection (3) is subject to any provision included in a collaboration agreement (see section 22A of the Police Act 1996).

(7) Schedule 2 (chief constables) has effect.

(8) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (see section 2 of that Act).

CHAPTER 2

METROPOLITAN POLICE DISTRICT

3 Mayor's Office for Policing and Crime

(1) There is to be a body with the name “The Mayor's Office for Policing and Crime” for the metropolitan police district.

(2) The Mayor's Office for Policing and Crime is a corporation sole.

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(3) The person who is Mayor of London for the time being is to be the occupant for the time being of the Mayor's Office for Policing and Crime.

(4) Accordingly, where a person is the occupant of the Mayor's Office for Policing and Crime by virtue of a particular term of office as Mayor of London (the "relevant mayoral term"), the person's term as the occupant of the Mayor's Office for Policing and Crime—
   (a) begins at the same time as the relevant mayoral term, and
   (b) ends at the same time as the relevant mayoral term.

(5) The Mayor's Office for Policing and Crime has—
   (a) the functions conferred by this section,
   (b) the functions relating to community safety and crime prevention conferred by Chapter 3, and
   (c) the other functions conferred by this Act and other enactments.

(6) The Mayor's Office for Policing and Crime must—
   (a) secure the maintenance of the metropolitan police force, and
   (b) secure that the metropolitan police force is efficient and effective.

(7) The Mayor's Office for Policing and Crime must hold the Commissioner of Police of the Metropolis to account for the exercise of—
   (a) the functions of the Commissioner, and
   (b) the functions of persons under the direction and control of the Commissioner.

(8) The Mayor's Office for Policing and Crime must, in particular, hold the Commissioner to account for—
   (a) the exercise of the duty imposed by section 8(4) (duty to have regard to police and crime plan);
   (b) the exercise of the duty under section 37A(2) of the Police Act 1996 (duty to have regard to strategic policing requirement);
   (c) the exercise of the duty imposed by section 39A(7) of the Police Act 1996 (duty to have regard to codes of practice issued by Secretary of State);
   (d) the effectiveness and efficiency of the Commissioner's arrangements for co-operating with other persons in the exercise of the Commissioner's functions (whether under section 22A of the Police Act 1996 or otherwise);
   (e) the effectiveness and efficiency of the Commissioner's arrangements under section 34 (engagement with local people);
   (f) the extent to which the Commissioner has complied with section 35 (value for money);
   (g) the exercise of duties relating to equality and diversity imposed on the Commissioner by any enactment;
   (h) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the Commissioner by sections 10 and 11 of the Children Act 2004.

(9) In section 424 of the Greater London Authority Act 1999 (interpretation), in subsection (1), in the definition of "functional body", for paragraph (c) substitute—

"(c) the Mayor's Office for Policing and Crime; or".

(10) In this section, references to the Mayor of London include references to a person who is, by virtue of Schedule 4 to the Greater London Authority Act 1999 (exercise of functions of Mayor during vacancy or incapacity), treated as if the person were the Mayor of London.

(11) Where such a person is the occupant for the time being of the Mayor's Office for Policing and Crime, references in this section to the relevant mayoral term are references to the period for which the person is treated as if the person were the Mayor of London.

(12) The Metropolitan Police Authority is abolished.

(13) Schedule 3 (Mayor's Office for Policing and Crime) has effect.

Commencement Information

I1 S. 3 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

4 Commissioner of Police of the Metropolis

(1) There is to be a corporation sole with the name "the Commissioner of Police of the Metropolis".

(2) The Commissioner of Police of the Metropolis is to be appointed, and hold office, in accordance with—

(a) sections 42 and 48, and

(b) the terms and conditions of the appointment.

(3) The metropolitan police force, and the civilian staff of the metropolitan police force, are under the direction and control of the Commissioner of Police of the Metropolis.

(4) The Commissioner of Police of the Metropolis has the other functions conferred by this Act and by other enactments.

(5) The Commissioner of Police of the Metropolis must exercise the power of direction and control conferred by subsection (3) in such a way as is reasonable to assist the Mayor's Office for Policing and Crime to exercise that Office's functions.

(6) Subsection (3) is subject to any provision included in a collaboration agreement (see section 22A of the Police Act 1996).

(7) Schedule 4 (Commissioner of Police of the Metropolis) has effect.

Commencement Information

I2 S. 4 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

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CHAPTER 3

FUNCTIONS OF ELECTED LOCAL POLICING BODIES ETC

Community safety and crime prevention

VALID FROM 22/11/2012

5 Police and crime commissioners to issue police and crime plans

(1) The police and crime commissioner for a police area must issue a police and crime plan within the financial year in which each ordinary election is held.

(2) A police and crime commissioner must comply with the duty under subsection (1) as soon as practicable after the commissioner takes office.

(3) A police and crime commissioner may, at any time, issue a police and crime plan.

(4) A police and crime commissioner may vary a police and crime plan.

(5) In issuing or varying a police and crime plan, a police and crime commissioner must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.

(6) Before issuing or varying a police and crime plan, a police and crime commissioner must—

(a) prepare a draft of the plan or variation,

(b) consult the relevant chief constable in preparing the draft plan or variation,

(c) send the draft plan or variation to the relevant police and crime panel,

(d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 28(3)),

(e) give the panel a response to any such report or recommendations, and

(f) publish any such response.

(7) In complying with subsection (6)(c), the police and crime commissioner must ensure that the relevant police and crime panel has a reasonable amount of time to exercise its functions under section 28(3).

(8) A police and crime commissioner must consult the relevant chief constable before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).

(9) A police and crime commissioner must—

(a) keep the police and crime plan under review, and

(b) in particular, review the police and crime plan in the light of—

(i) any report or recommendations made to the commissioner by the relevant police and crime panel under section 28(4), and

(ii) any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996;

and exercise the powers under subsection (3) or (4) accordingly.

(10) A police and crime commissioner who issues or varies a police and crime plan must—

(a) send a copy of the issued plan, or the variation, to the relevant chief constable and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the relevant police area, and

(b) publish a copy of the issued plan, or the variation.

(11) The duty under subsection (10) to send or publish a copy of the variation may instead be satisfied by sending or publishing a copy of the plan as varied.

(12) It is for the commissioner to determine the manner in which—

(a) a response to a report or recommendations is to be published in accordance with subsection (6)(f), and

(b) a copy of the plan or variation is to be published in accordance with subsection (10) (b).

(13) In this section—

"financial year" means the financial year of the police and crime commissioner;

"ordinary election", in relation to the police and crime commissioner for a police area, means an election held under section 50 in relation to that area.

6 Mayor's Office for Policing and Crime to issue police and crime plans

(1) The Mayor's Office for Policing and Crime must issue a police and crime plan within the financial year in which each ordinary election is held.

(2) The Mayor's Office for Policing and Crime must comply with the duty under subsection (1) as soon as practicable after the person elected in the ordinary election takes office.

(3) The Mayor's Office for Policing and Crime may, at any time, issue a police and crime plan.

(4) The Mayor's Office for Policing and Crime may vary a police and crime plan.

(5) In issuing or varying a police and crime plan, the Mayor's Office for Policing and Crime must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.

(6) Before issuing or varying a police and crime plan, the Mayor's Office for Policing and Crime must—

(a) prepare a draft of the plan or variation,

(b) consult the Commissioner of Police of the Metropolis in preparing the draft plan or variation,

(c) send the draft plan or variation to the police and crime panel of the London Assembly (see section 32),

(d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 33(1)),

(e) give the panel a response to any such report or recommendations, and

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(f) publish any such response.

(7) In complying with subsection (6)(c), the Mayor's Office for Policing and Crime must ensure that the police and crime panel has a reasonable amount of time to exercise its functions under section 33(1).

(8) The Mayor's Office for Policing and Crime must consult the Commissioner of Police of the Metropolis before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).

(9) The Mayor's Office for Policing and Crime must—

(a) keep the police and crime plan under review, and

(b) in particular, review the police and crime plan in the light of any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996;

and exercise the powers under subsection (3) or (4) accordingly.

(10) The provisions of the 1999 Act set out in subsection (11) apply to the Mayor's Office for Policing and Crime and police and crime plans as the provisions apply to the Mayor of London and the relevant mayoral strategies.

(11) Those provisions of the 1999 Act are—

(a) section 33(1)(b) and (c) (equality of opportunity);

(b) section 41(4)(b) and (c), (5), (6)(a) and (b), (7) to (8A), and (10) to (12) (general duties in preparing and revising strategies);

(c) section 42(1) and (6) (consultation);

(d) section 42A (apart from subsection (2)) (consultation: supplementary provision);

(e) section 43 (publicity and availability of strategies);

(f) section 44 (directions by the Secretary of State).

(12) Section 41(5)(b) of the 1999 Act has effect in relation to the Mayor of London as if the police and crime plan were a strategy listed in section 41(1) of the 1999 Act.

(13) The Mayor of London and the Mayor's Office for Policing and Crime must co-operate with each other in exercising their respective functions under section 41(5)(b) of the 1999 Act.

(14) In its application by virtue of subsection (11)(e), section 43(2) of the 1999 Act (duty to send copies of current version of police and crime plan) has effect with the insertion after "to each London borough council" of the words "and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the metropolitan police district".

(15) In this section—

"1999 Act" means the Greater London Authority Act 1999;

"financial year" means the financial year of the Mayor's Office for Policing and Crime;

"ordinary election" means an election of the Mayor of London held under section 3 of the 1999 Act;

"relevant mayoral strategy", in relation to a provision set out in subsection (11), means a strategy to which the provision applies.

Commencement Information

I3 S. 6 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

7 Police and crime plans

(1) A police and crime plan is a plan which sets out, in relation to the planning period, the following matters—

(a) the elected local policing body's police and crime objectives;

(b) the policing of the police area which the chief officer of police is to provide;

(c) the financial and other resources which the elected local policing body is to provide to the chief officer of police for the chief officer to exercise the functions of chief officer;

(d) the means by which the chief officer of police will report to the elected local policing body on the chief officer's provision of policing;

(e) the means by which the chief officer of police's performance in providing policing will be measured;

(f) the crime and disorder reduction grants which the elected local policing body is to make, and the conditions (if any) to which such grants are to be made.

(2) The elected local policing body's police and crime objectives are the body's objectives for—

(a) the policing of the body's area,

(b) crime and disorder reduction in that area, and

(c) the discharge by the relevant police force of its national or international functions.

(3) A police and crime plan has effect from the start of the planning period until—

(a) the end of that planning period, or

(b) if another police and crime plan is issued in relation to the elected local policing body's area before the end of that planning period, the day when that other plan first has effect.

(4) The Secretary of State may give guidance to elected local policing bodies about the matters to be dealt with in police and crime plans.

(5) An elected local policing body must have regard to such guidance.

(6) Before giving guidance under subsection (4) the Secretary of State must consult—

(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(b) the Mayor's Office for Policing and Crime,

(c) such persons as appear to the Secretary of State to represent the views of chief officers of police, and

(d) such other persons as the Secretary of State thinks fit.

(7) In this section, in relation to a police and crime plan—

"financial year" means the financial year of the elected local policing body;

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"ordinary election"—

(a) in relation to a police and crime commissioner, has the meaning given in section 5;

(b) in relation to the Mayor's Office for Policing and Crime, has the meaning given in section 6;

"planning period", in relation to a police and crime plan, is the period that—

(a) begins with—

(i) the day on which the plan is issued, or

(ii) if a qualifying day is specified in the plan as the day on which the plan is to begin to have effect, that day, and

(b) ends with the last day of the financial year in which the next ordinary election is expected to take place after the plan is issued;

"qualifying day" means a day which meets the following conditions (so far as applicable)—

(a) the day must fall after the day on which the plan is issued;

(b) the day must not fall after the day on which the next ordinary election is expected to take place after the plan is issued;

(c) in the case of a plan issued in accordance with the duty in section 5(1) or 6(1), the day must be, or fall before, the first day of the financial year following the financial year in which that duty must be complied with.

Commencement Information

I4 S. 7(1)-(5)(6)(b)-(d)(7) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

8 Duty to have regard to police and crime plan

(1) A police and crime commissioner must, in exercising the functions of commissioner, have regard to the police and crime plan issued by the commissioner.

(2) The chief constable of the police force for a police area listed in Schedule 1 to the Police Act 1996 must, in exercising the functions of chief constable, have regard to the police and crime plan issued by the police and crime commissioner for that police area.

(3) The Mayor's Office for Policing and Crime must, in exercising the functions of the Office, have regard to the police and crime plan issued by the Office.

(4) The Commissioner of Police of the Metropolis must, in exercising the functions of Commissioner, have regard to the police and crime plan issued by the Mayor's Office for Policing and Crime.

(5) The Secretary of State may give guidance to a person subject to a duty under this section about how that duty is to be complied with.

(6) A person given such guidance must have regard to the guidance.

(7) Before giving guidance under subsection (5) the Secretary of State must consult—

(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(b) the Mayor's Office for Policing and Crime,

(c) such persons as appear to the Secretary of State to represent the views of chief officers of police, and

(d) such other persons as the Secretary of State thinks fit.

Commencement Information

I5 S. 8(3)-(6)(7)(b)-(d) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

9 Crime and disorder reduction grants

(1) The elected local policing body for a police area may make a crime and disorder reduction grant to any person.

(2) A crime and disorder reduction grant is a grant which, in the opinion of the elected local policing body, will secure, or contribute to securing, crime and disorder reduction in the body's area.

(3) The elected local policing body may make a crime and disorder reduction grant subject to any conditions (including conditions as to repayment) which the body thinks appropriate.

Commencement Information

I6 S. 9 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

10 Co-operative working

(1) The elected local policing body for a police area must, in exercising its functions, have regard to the relevant priorities of each responsible authority.

(2) The elected local policing body for a police area, in exercising its functions, and a responsible authority, in exercising its functions conferred by or under section 6 of the Crime and Disorder Act 1998 in relation to that police area, must act in co-operation with each other.

(3) The elected local policing body for a police area, and the criminal justice bodies which exercise functions as criminal justice bodies in that police area, must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area.

(4) The references in this section to a responsible authority exercising functions in relation to a police area are references to the responsible authority exercising the functions in relation to a local government area that is comprised, or included, in the police area.

(5) In this section—

"criminal justice body", in relation to the elected local policing body for a police area, means—

(a) the chief officer of police for that police area;

(b) the Crown Prosecution Service;

(c) the Lord Chancellor, in exercising functions under section 1 of the Courts Act 2003 (duty to ensure efficient and effective courts service);

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(d) a Minister of the Crown, in exercising functions in relation to prisons (within the meaning of the Prison Act 1952);

(e) a youth offending team established under section 39 of the Crime and Disorder Act 1998;

(f) a person with whom the Secretary of State has made contractual or other arrangements, under section 3(2) of the Offender Management Act 2007, for the making of probation provision;

(g) the Secretary of State, in making probation provision in accordance with arrangements made by the Secretary of State under section 3(5) of the Offender Management Act 2007;

"functions" does not include functions which are exercisable only in relation to Wales and relate to matters in relation to which the Welsh Ministers have functions;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;

"relevant priority", in relation to a responsible authority, means a priority applicable to the exercise of that authority's functions which is identified by that authority in compliance with a requirement imposed by regulations made under section 6(2) of the Crime and Disorder Act 1998;

"responsible authority" has the same meaning as in section 5 of the Crime and Disorder Act 1998.

Commencement Information

I7 S. 10 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Information, consultation etc

11 Information for public etc

(1) An elected local policing body—

(a) must publish specified information; and

(b) if the time or manner of the publication of that information is specified, must publish it at that time or in that manner.

(2) For that purpose, "specified" means specified by the Secretary of State by order.

(3) An elected local policing body must publish the information which the body considers to be necessary to enable the persons who live in the body's area to assess—

(a) the performance of the body in exercising the body's functions, and

(b) the performance of the relevant chief officer of police in exercising the chief officer's functions.

(4) The information necessary to enable those persons to assess those matters by reference to a particular time, or a particular period, must be published by the elected local policing body as soon as practicable after that time or the end of that period.

(5) An elected local policing body may provide (whether by publication or other means) information about—

(a) the exercise of the body's functions, and

(b) the exercise of the functions of the relevant chief officer of police.

Commencement Information

I8 S. 11(1)(2) in force at 15.12.2011 by S.I. 2011/3019, **art. 2(a)**

I9 S. 11(3)-(5) in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

12 Annual reports

(1) Each elected local policing body must produce a report (an "annual report") on—

(a) the exercise of the body's functions in each financial year, and

(b) the progress which has been made in the financial year in meeting the police and crime objectives in the body's police and crime plan.

(2) As soon as practicable after producing an annual report, the elected local policing body must send the report to the relevant police and crime panel.

(3) The elected local policing body must attend before the panel at the public meeting arranged by the panel in accordance with section 28(4), to—

(a) present the report to the panel, and

(b) answer the panel's questions on the report.

(4) The elected local policing body must—

(a) give the panel a response to any report or recommendations on the annual report (see section 28(4)), and

(b) publish any such response.

(5) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with subsection (4)(b).

(6) An elected local policing body must arrange for each annual report to be published.

(7) It is for the elected local policing body to determine the manner in which an annual report is to be published.

Commencement Information

I10 S. 12 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

13 Information for police and crime panels

(1) An elected local policing body must provide the relevant police and crime panel with any information which the panel may reasonably require in order to carry out its functions.

(2) But subsection (1) does not require the elected local policing body to provide information if disclosure of the information—

(a) would, in the view of the chief officer of police, be against the interests of national security,

(b) might, in the view of the chief officer of police, jeopardise the safety of any person,

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(c) might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or

(d) is prohibited by or under any enactment.

(3) An elected local policing body may provide the relevant police and crime panel with any other information which the body thinks appropriate.

Commencement Information

I11 S. 13 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

14 Arrangements for obtaining the views of the community on policing

(1) Section 96 of the Police Act 1996 (arrangements for obtaining the views of the community on policing) is amended in accordance with this section.

(2) In subsection (1), after paragraph (b) insert “;

and for obtaining the views of victims of crime in that area about matters concerning the policing of the area.”.

(3) After subsection (1) insert—

“(1A) Those arrangements must include, in the case of—

(a) a police area listed in Schedule 1, or

(b) the metropolitan police district,

arrangements for obtaining, before a police and crime plan is issued under section 5 or 6 of the Police Reform and Social Responsibility Act 2011, the views of the people in that police area, and the views of the victims of crime in that area, on that plan.

(1B) Those arrangements must include, in the case of a police area listed in Schedule 1, arrangements for obtaining, before the first precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992, the views of—

(a) the people in that police area, and

(b) the relevant ratepayers' representatives,

on the proposals of the police and crime commissioner for expenditure (including capital expenditure) in that financial year.

(1C) Those arrangements must include, in the case of the metropolitan police district, arrangements for obtaining, before the first calculations in relation to the Mayor's Office for Policing and Crime are made for a financial year under section 85 of the Greater London Authority Act 1999, the views of—

(a) the people in the metropolitan police district, and

(b) the relevant ratepayers' representatives,

on the proposals of the Mayor's Office for Policing and Crime for expenditure (including capital expenditure) in that financial year.”.

(4) For subsection (2) substitute—

"(2) Arrangements under this section are to be made by the local policing body for the police area, after consulting the chief officer of police for that area.".

(5) Before subsection (6) insert—

"(5A) In subsections (1B) and (1C) "relevant ratepayers' representatives", in relation to a police area listed in Schedule 1, or the metropolitan police district, means the persons or bodies who appear to the elected local policing body for that area or district to be representative of persons subject to non-domestic rates under sections 43 and 45 of the Local Government Finance Act 1988 as regards hereditaments situated in that area or district.

(5B) In determining which persons or bodies are relevant ratepayers' representatives, an elected local policing body must have regard to any guidance given by the Secretary of State.".

(6) Omit subsections (6) to (10).

Commencement Information

I12 S. 14 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 8(2))

Other provisions about functions

15 Supply of goods and services

(1) Subsections (1), (2) and (3) of section 1 of the 1970 Act (supply of goods and services by local authorities) apply, with the modification set out in subsection (2), to each elected local policing body as they apply to a local authority.

(2) In those subsections, references to a public body (within the meaning of that section) are to be read as references to any person.

(3) An elected local policing body may not enter into an agreement with another elected local policing body, or with the Common Council of the City of London in its capacity as a police authority, under section 1 of the 1970 Act in respect of a matter which could be the subject of force collaboration provision in a collaboration agreement under section 22A of the Police Act 1996.

(4) In this section "1970 Act" means the Local Authorities (Goods and Services) Act 1970.

Commencement Information

I13 S. 15 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

16 Appointment of persons not employed by elected local policing bodies

(1) This section applies where an elected local policing body is required or authorised by any Act—

(a) to appoint a person to a specified post in the body, or

(b) to designate a person as having specified duties or responsibilities.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(2) The elected local policing body may appoint or designate a person whether or not the person is already a member of staff of the body.

(3) Subsection (2) has effect in spite of any provision to the contrary in the Act that is mentioned in subsection (1).

Commencement Information

I14 S. 16 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

17 Duties when carrying out functions

(1) In carrying out functions, an elected local policing body must have regard to the views of people in the body's area about policing in that area.

(2) In carrying out functions in a particular financial year, an elected local policing body must have regard to any report or recommendations made by the relevant police and crime panel on the annual report for the previous financial year (see section 28(4)).

(3) Subsection (2) does not affect any exercise of the functions of the elected local policing body in any part of a particular financial year that falls—

(a) before the body has received a report or recommendations on the annual report for the previous financial year, or

(b) during the period after receipt of a report or recommendations when the body is considering the report or recommendations.

(4) In carrying out functions, an elected local policing body must have regard to any financial code of practice issued by the Secretary of State.

(5) The Secretary of State may from time to time revise the whole or any part of any financial code of practice.

(6) The Secretary of State must lay before Parliament a copy of—

(a) any financial code of practice, and

(b) any revision of a financial code of practice.

(7) In this section "financial code of practice" means a code of practice relating to the proper administration by elected local policing bodies of their financial affairs.

(8) This section is in addition to the duty under section 8 to have regard to the police and crime plan.

Commencement Information

I15 S. 17 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

I16 S. 17(4)-(7) in force at 15.12.2011 for specified purposes by S.I. 2011/3019, **art. 2(b)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

18 Delegation of functions by police and crime commissioners

(1) The police and crime commissioner for a police area may—
- (a) appoint a person as the deputy police and crime commissioner for that police area, and
- (b) arrange for the deputy police and crime commissioner to exercise any function of the police and crime commissioner.

(2) A police and crime commissioner may arrange for any person (who is not the deputy police and crime commissioner) to exercise any function of the commissioner.

(3) But a police and crime commissioner may not—
- (a) appoint a person listed in subsection (6) as the deputy police and crime commissioner;
- (b) arrange for the deputy police and crime commissioner to exercise a function listed in subsection (7)(a), (e) or (f);
- (c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
- (d) arrange, under subsection (2), for any person to exercise a function listed in subsection (7).

(4) A deputy police and crime commissioner may arrange for any other person to exercise any function of the police and crime commissioner which is, in accordance with subsection (1)(b), exercisable by the deputy police and crime commissioner.

(5) But the deputy police and crime commissioner may not arrange for a person to exercise a function if—
- (a) the person is listed in subsection (6), or
- (b) the function is listed in subsection (7).

(6) The persons referred to in subsections (3)(a) and (c) and (5) are—
- (a) a constable (whether or not in England and Wales);
- (b) a police and crime commissioner;
- (c) the Mayor's Office for Policing and Crime;
- (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;
- (e) the Mayor of London;
- (f) the Common Council of the City of London;
- (g) any other person or body which maintains a police force;
- (h) a member of the staff of a person falling within any of paragraphs (a) to (g).

(7) The functions referred to in subsection (3) are—
- (a) issuing a police and crime plan (see section 5);
- (b) determining police and crime objectives (see section 7);
- (c) attendance at a meeting of a police and crime panel in compliance with a requirement by the panel to do so (see section 29);
- (d) preparing an annual report to a policing and crime panel (see section 12);

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(e) appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign (see section 38);

(f) calculating a **[**[F1]council tax requirement or a**]** budget requirement (see section **[**[F2]42A or**]** 43 of the Local Government Finance Act 1992).

(8) If a function of a police and crime commissioner is exercisable by any other person in accordance with this section, any property or rights vested in the commissioner may be dealt with by the other person in exercising the function, as if vested in that person.

(9) Subsection (2) applies whether or not there is a deputy police and crime commissioner.

(10) The deputy police and crime commissioner is a member of the police and crime commissioner's staff.

(11) For further provision about the appointment of a deputy police and crime commissioner, see paragraphs 8 to 12 of Schedule 1.

Textual Amendments

F1 Words in s. 18(7)(f) inserted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 7 para. 53(a)**; S.I. 2011/2896, art. 2(i)

F2 Words in s. 18(7)(f) inserted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 7 para. 53(b)**; S.I. 2011/2896, art. 2(i)

19 Delegation of functions by Mayor's Office for Policing and Crime

(1) The Mayor's Office for Policing and Crime may—

(a) appoint a person as the Deputy Mayor for Policing and Crime, and

(b) arrange for the Deputy Mayor for Policing and Crime to exercise any function of the Mayor's Office for Policing and Crime.

(2) The Mayor's Office for Policing and Crime may arrange for a person (who is not the Deputy Mayor for Policing and Crime) to exercise any function of the Mayor's Office for Policing and Crime.

(3) But the Mayor's Office for Policing and Crime may not—

(a) appoint a person listed in subsection (6) as the Deputy Mayor for Policing and Crime;

(b) arrange for the Deputy Mayor for Policing and Crime to exercise a function listed in subsection (7) (a), (e), (f), (g) or (h);

(c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or

(d) arrange, under subsection (2), for a person to exercise a function listed in subsection (7).

(4) The Deputy Mayor for Policing and Crime may arrange for any other person to exercise any function of the Mayor's Office for Policing and Crime which is, in accordance with subsection (1)(b), exercisable by the Deputy Mayor for Policing and Crime.

(5) But the Deputy Mayor for Policing and Crime may not arrange for a person to exercise a function if—

(a) the person is listed in subsection (6), or
(b) the function is listed in subsection (7).

(6) The persons referred to in subsections (3)(a) and (c) and (5) are—
(a) a constable (whether or not in England and Wales);
(b) a police and crime commissioner;
(c) the Mayor of London;
(d) the Common Council of the City of London;
(e) any other person or body which maintains a police force;
(f) a member of the staff of a person falling within any of paragraphs (a) to (e).

(7) The functions mentioned in subsection (3) are—
(a) issuing a police and crime plan (see section 6);
(b) determining police and crime objectives (see section 7);
(c) attendance at a meeting of the police and crime panel of the London Assembly in compliance with a requirement by the panel to do so (see section 29);
(d) preparing an annual report to the policing and crime panel of the London Assembly (see section 12);
(e) making recommendations in relation to the appointment of a Commissioner of Police of the Metropolis under section 42;
(f) making representations in relation to the appointment of a Deputy Commissioner of Police of the Metropolis under section 45;
(g) being consulted in relation to the appointment or removal of an Assistant Commissioner of Police of the Metropolis, a Deputy Assistant Commissioner of Police of the Metropolis, or a Commander (see sections 45, 46, 47 and 49);
(h) suspending the Commissioner, or Deputy Commissioner, of Police of the Metropolis, or calling upon the Commissioner, or Deputy Commissioner, to retire or resign (see section 48).

(8) If a function of the Mayor's Office for Policing and Crime is exercisable by a person in accordance with subsection (1), (2) or (4), any property or rights vested in the Office may be dealt with by the other person in exercising the function, as if vested in that person.

(9) Subsection (2) applies whether or not there is a Deputy Mayor for Policing and Crime.

(10) The Deputy Mayor for Policing and Crime is a member of the staff of the Mayor's Office for Policing and Crime.

(11) But that is subject to paragraph 4(4) of Schedule 3 (Deputy Mayor an Assembly member).

(12) The appointment of the Deputy Mayor for Policing and Crime is subject to Schedule 4A to the Greater London Authority Act 1999.

(13) For further provision about the appointment of the Deputy Mayor for Policing and Crime, see paragraph 4 of Schedule 3.

Commencement Information
I17 S. 19 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 6, Sch. 2 para. 2)

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

20 Deputy Mayor for Policing and Crime: confirmation hearings

(1) The Greater London Authority Act 1999 is amended in accordance with this section.

(2) In section 60A (confirmation hearings etc for certain appointments by the Mayor)—

(a) in the title, at the end insert " **or Mayor's Office for Policing and Crime** ";

(b) in subsection (3), omit the entry relating to the chairman and vice chairman of the Metropolitan Police Authority;

(c) for subsection (4) substitute—

"(4) This section also applies in any case where the Mayor's Office for Policing and Crime proposes to make an appointment, under section 19 of the Police Reform and Social Responsibility Act 2011, of a person to be the Deputy Mayor for Policing and Crime.".

(3) In Schedule 4A (confirmation hearings etc)—

(a) in paragraph 1 (application of Schedule), after sub-paragraph (2) insert—

"(3) This Schedule also has effect where the Mayor's Office for Policing and Crime proposes to make an appointment, under section 19 of the Police Reform and Social Responsibility Act 2011, of a person to be the Deputy Mayor for Policing and Crime.

(4) In the application of this Schedule in relation to such an appointment, references to the Mayor are to be read as references to the Mayor's Office for Policing and Crime.

(5) Paragraph 9 does not apply in relation to such an appointment (but see section 32 of the Police Reform and Social Responsibility Act 2011).

(6) Paragraph 10 applies in relation to such an appointment if the candidate is not a member of the London Assembly.

(7) Paragraphs 2, 4 and 5 are subject to paragraph 10.";

(b) after paragraph 9 insert—

"10

(1) The London Assembly may veto the appointment of the candidate as Deputy Mayor for Policing and Crime if the candidate is not a member of the London Assembly.

(2) The exercise of that power of veto in relation to an appointment is not valid unless the London Assembly—

(a) has held a confirmation meeting in relation to the appointment before the exercise of the power; and

(b) notifies the Mayor's Office for Policing and Crime of the veto within the period of 3 weeks described in paragraph 4(3).

(3) If the London Assembly vetoes the appointment of the candidate, the Mayor's Office for Policing and Crime must not appoint the candidate.

(4) References in this Schedule to the London Assembly vetoing the appointment of a candidate are references to the Assembly making a

decision, by the required majority, that the candidate should not be appointed as Deputy Mayor for Policing and Crime.

(5) For that purpose, the London Assembly makes that decision by the required majority if at least two-thirds of the votes given in making that decision are votes in favour of making that decision."

Commencement Information

I18 S. 20 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 6)

Financial matters

21 Police fund

(1) Each elected local policing body must keep a fund to be known as the police fund.

(2) All of an elected local policing body's receipts must be paid into the relevant police fund.

(3) All of an elected local policing body's expenditure must be paid out of the relevant police fund.

(4) An elected local policing body must keep accounts of payments made into or out of the relevant police fund.

(5) Subsections (2) and (3) are subject to any regulations under the Police Pensions Act 1976.

(6) In this section "relevant police fund", in relation to an elected local policing body, means the police fund which that body keeps.

Commencement Information

I19 S. 21 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

22 Minimum budget for police and crime commissioner

(1) Section 41 of the Police Act 1996 (directions as to minimum budget) is amended as follows.

(2) In subsection (1)—

(a) for "a police authority established under section 3" substitute " a police and crime commissioner ";

(b) for "the authority" substitute " the commissioner ";

[[F3](c) for "its" substitute "the commissioner's".**]**

(3) After subsection (1) insert—

"(1A) But the Secretary of State may not give a direction to the police and crime commissioner for a police area by virtue of subsection (1) unless the Secretary of State is satisfied that it is necessary to give the direction in order to prevent the safety of people in that police area from being put at risk.".

(4) In subsection (4)—

(a) for "a police authority" substitute " a police and crime commissioner ";

(b) for "the authority" substitute " the commissioner ".

Textual Amendments

F3 S. 22(2)(c) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 7 para. 54**; S.I. 2011/2896, art. 2(i)

23 Minimum budget for Mayor's Office for Policing and Crime

(1) The Greater London Authority Act 1999 is amended as follows.

(2) Section 95 (minimum budget for Metropolitan Police Authority) is amended in accordance with subsections (3) to (7).

(3) In the title, for "**Metropolitan Police Authority**" substitute " **Mayor's Office for Policing and Crime** ".

(4) In subsection (1), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

(5) In subsection (2), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

(6) After subsection (2) insert—

"(2A) But the Secretary of State may not give a direction to the Authority under subsection (2) unless the Secretary of State is satisfied that it is necessary to give the direction in order to prevent the safety of people in the metropolitan police district from being put at risk.".

(7) In subsections (3), (4) and (7), for "Metropolitan Police Authority" (in each place) substitute " Mayor's Office for Policing and Crime ".

(8) In section 96 (provisions supplemental to section 95), in subsection (6), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information

I20 S. 23 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

24 Police grant

(1) Section 46 of the Police Act 1996 (police grant) is amended as follows.

(2) In subsection (1)—

(a) for paragraph (a) substitute—

"(a) police and crime commissioners,

(aa) the Common Council, and";

(b) for the words after paragraph (b) substitute—

"and in those provisions a reference to a grant recipient is a reference to a police and crime commissioner, the Common Council or the Greater London Authority.".

(3) In subsection (2)(b), for "authority" substitute " grant recipient ".

(4) In subsection (4), for "police authorities" substitute " grant recipients ".

(5) In subsection (5), for "different authorities or different classes of authority" substitute " different grant recipients or different classes of grant recipient ".

(6) In subsection (7), for "police authority" substitute " grant recipient ".

(7) In subsection (7A)—

(a) for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ";

(b) for "that Authority" substitute " that Office ".

(8) In subsection (8)—

(a) for "an authority's" substitute " a grant recipient's ";

(b) for "the authority" substitute " the grant recipient ";

(c) for "an authority" substitute " a grant recipient ".

(9) In subsection (9), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information

I21 S. 24(1)(7)(9) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

25 Other grants etc under Police Act 1996

(1) The Police Act 1996 is amended as follows.

(2) In section 47 (grants for capital expenditure)—

(a) in subsection (1), for the words from "by" to "Authority", substitute " by local policing bodies ";

(b) in subsection (4), for "by virtue of subsection (1)(b)" substitute " under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime ";

(c) in subsection (5)—

(i) for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ";

(ii) for "that Authority" substitute " that Office ".

(3) In section 48 (grants for expenditure on safeguarding national security)—

(a) in subsection (1), for the words from "by" to "security", substitute " by local policing bodies in connection with safeguarding national security ";

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(b) in subsection (4), for "by virtue of subsection (1)(b)" substitute " under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime ";

(c) in subsection (5)—

(i) for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ";

(ii) for "that Authority" substitute " that Office ".

(4) In section 92 (grants by local authorities)—

(a) in subsection (1), for "police authority established under section 3" substitute " police and crime commissioner ";

(b) in subsection (2), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

(5) In section 93 (acceptance of gifts or loans)—

(a) in subsection (1), for "police authority" substitute " local policing body ";

(b) in subsection (2), for "police authority" substitute " local policing body ".

(6) Section 94 (financing of new police authorities) is amended as follows.

(7) In the title, for "**police authorities**" substitute " **police and crime commissioners** ".

(8) In subsection (1)—

(a) for "police authority established under section 3" substitute " police and crime commissioner ";

(b) for "it" substitute " the commissioner ".

(9) In subsection (2)—

(a) for "police authority established under section 3" substitute " police and crime commissioner ";

(b) for "it" substitute " the commissioner ";

(c) for "its" (in both places) substitute " the commissioner's ".

(10) In subsection (3)—

(a) for "an authority" substitute " a commissioner ";

(b) for "its" substitute " the commissioner's ".

(11) In subsection (4)—

(a) for "a police authority" substitute " a police and crime commissioner ";

(b) for "it" (in both places) substitute " the commissioner ".

Commencement Information

I22 S. 25(1)-(3)(4)(b)(5) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

26 Precepts

(1) The Local Government Finance Act 1992 is amended in accordance with subsections (2) and (3).

(2) In section 39 (precepting and precepted authorities), in subsection (1) (major precepting authorities), for paragraph (b) substitute—

"(b) a police and crime commissioner;".

(3) In section 65 (duty to consult ratepayers), in subsection (3) (definition of relevant authority), after "major precepting authority" insert " , apart from a police and crime commissioner ".

(4) Schedule 5 (issuing precepts) has effect.

27 Other grants etc

(1) Section 155 of the Local Government and Housing Act 1989 (emergency financial assistance to local authorities) is amended in accordance with subsections (2) and (3).

(2) In subsection (1A) (grants to GLA functional bodies), for paragraph (b) substitute—

"(b) the Mayor's Office for Policing and Crime, or".

(3) In subsection (4) (meaning of local authority), for paragraph (ea) substitute—

"(ea) a police and crime commissioner;".

(4) In section 33 of the Local Government Act 2003 (interpretation of Chapter 1 of Part 3: expenditure grant), in subsection (1) (meaning of local authority), for paragraph (m) substitute—

"(m) a police and crime commissioner.".

Commencement Information

I23 S. 27(1)(2) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

CHAPTER 4

ACCOUNTABILITY OF ELECTED LOCAL POLICING BODIES

Scrutiny of police and crime commissioners

28 Police and crime panels outside London

(1) Each police area, other than the metropolitan police district, is to have a police and crime panel established and maintained in accordance with Schedule 6 (police and crime panels).

(2) The functions of the police and crime panel for a police area must be exercised with a view to supporting the effective exercise of the functions of the police and crime commissioner for that police area.

(3) A police and crime panel must—

(a) review the draft police and crime plan, or draft variation, given to the panel by the relevant police and crime commissioner in accordance with section 5(6)(c), and

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(b) make a report or recommendations on the draft plan or variation to the commissioner.

(4) A police and crime panel must—

(a) arrange for a public meeting of the panel to be held as soon as practicable after the panel is sent an annual report under section 12,

(b) ask the police and crime commissioner, at that meeting, such questions about the annual report as the members of the panel think appropriate,

(c) review the annual report, and

(d) make a report or recommendations on the annual report to the commissioner.

(5) A police and crime panel has the functions conferred by Schedules 1 (procedure for appointments of senior staff), 5 (issuing precepts) and 8 (procedure for appointments by police and crime commissioners).

(6) A police and crime panel must—

(a) review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions; and

(b) make reports or recommendations to the relevant police and crime commissioner with respect to the discharge of the commissioner's functions,

insofar as the panel is not otherwise required to do so by subsection (3) or (4) or by Schedule 1, 5 or 8.

(7) A police and crime panel must publish any reports or recommendations made to the relevant police and crime commissioner.

(8) The police and crime panel for a police area in England must send copies of any such reports or recommendations to each local authority whose area falls wholly or partly within the police area.

(9) It is for the police and crime panel to determine the manner in which reports or recommendations are to be published in accordance with subsection (7).

(10) Schedule 6 (police and crime panels) has effect.

(11) In this section "local authority" means a county council or a district council.

Commencement Information

I24 S. 28(1)(10) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(a)**

VALID FROM 22/11/2012

29 Power to require attendance and information

(1) A police and crime panel may require the relevant police and crime commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.

(2) Nothing in subsection (1) requires a member of the police and crime commissioner's staff to give any evidence, or produce any document, which discloses advice given to the commissioner by that person.

(3) A police and crime panel may require the relevant police and crime commissioner to respond in writing (within a reasonable period determined by the panel) to any report or recommendation made by the panel to the commissioner.

(4) The police and crime commissioner must comply with any requirement imposed by the panel under subsection (1) or (3).

(5) Members of the staff of the police and crime commissioner must comply with any requirement imposed on them under subsection (1).

(6) If a police and crime panel requires the relevant police and crime commissioner to attend before the panel, the panel may (at reasonable notice) request the relevant chief constable to attend before the panel on the same occasion to answer any question which appears to the panel to be necessary in order for it to carry out its functions.

VALID FROM 22/11/2012

30 Suspension of police and crime commissioner

(1) A police and crime panel may suspend the relevant police and crime commissioner if it appears to the panel that—
  (a) the commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
  (b) the offence is one which carries a maximum term of imprisonment exceeding two years.

(2) The suspension of the police and crime commissioner ceases to have effect upon the occurrence of the earliest of these events—
  (a) the charge being dropped;
  (b) the police and crime commissioner being acquitted of the offence;
  (c) the police and crime commissioner being convicted of the offence but not being disqualified under section 66 by virtue of the conviction;
  (d) the termination of the suspension by the police and crime panel.

(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the police and crime commissioner is to be treated as not holding that office during that suspension.

(4) In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references—
  (a) to an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
  (b) to an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

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Conduct

31 Conduct

(1) The Secretary of State may, by regulations, make provision about—
- (a) the making and handling of complaints about the conduct of relevant office holders ("qualifying complaints");
- (b) the recording of matters in the case of which there is an indication (whether from the circumstances or otherwise) that a relevant office holder may have committed a criminal offence ("conduct matters");
- (c) the manner in which qualifying complaints and conduct matters are investigated or otherwise dealt with.

(2) Schedule 7 (regulations about complaints and conduct matters) has effect.

(3) In this section and that Schedule "relevant officer holder" means the holder of any of the following offices—
- (a) police and crime commissioner;
- (b) deputy police and crime commissioner;
- (c) the Mayor's Office for Policing and Crime;
- (d) Deputy Mayor for Policing and Crime.

Commencement Information
I25 S. 31 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(a)**

Scrutiny of Mayor's Office for Policing and Crime

32 London Assembly police and crime panel

(1) The London Assembly must arrange for the functions referred to in subsection (2) to be discharged on its behalf by a particular committee of the Assembly (the "police and crime panel").

(2) Those functions ("the police and crime panel functions") are—
- (a) the functions conferred on the Assembly by section 33;
- (b) the functions conferred on the Assembly by section 60A of, and Schedule 4A to, the 1999 Act in relation to the appointment of the Deputy Mayor for Policing and Crime by the Mayor's Office for Policing and Crime.

(3) The London Assembly may not arrange for the police and crime panel functions to be discharged on its behalf otherwise than in accordance with subsection (1).

(4) The London Assembly may not arrange for any of its other functions to be discharged by the police and crime panel.

(5) The special scrutiny functions may only be exercised at a meeting of the whole panel; but that is without prejudice to rules of procedure about the quorum of a meeting of the whole panel.

(6) The enactments applying to committees of the London Assembly, apart from the excluded provisions, apply to the police and crime panel as if the police and crime

panel functions were to be discharged by the panel by virtue of arrangements under section 54(1)(a) of the 1999 Act.

(7) In subsection (6), "excluded provisions" means the following provisions of the 1999 Act—

(a) section 54(5), so far as it provides for the London Assembly to retain power to exercise functions delegated to a committee;

(b) section 55 (Assembly committees and sub-committees).

(8) The enactments conferring, or relating to, the police and crime panel functions are to be read with the appropriate modifications; in particular—

(a) references to the London Assembly are to be read as references to the police and crime panel; and

(b) references to proceedings of the London Assembly are to be read as references to proceedings of the police and crime panel.

(9) For the purposes of subsection (8), references to the police and crime panel include references to a sub-committee or member (if any) by whom functions are to be discharged in accordance with section 54(3) of the 1999 Act.

(10) The following provisions apply to the police and crime panel—

(a) the number of members of the panel, and their term of office, are to be fixed by the London Assembly;

(b) persons who are not members of the London Assembly may be members of the panel.

(11) The following provisions apply to any sub-committee by which police and crime panel functions are to be discharged—

(a) the number of members of the sub-committee, and their term of office, are to be fixed by the police and crime panel;

(b) persons who are not members of the London Assembly may be members of the sub-committee.

(12) The police and crime panel functions must be exercised with a view to supporting the effective exercise of the functions of the Mayor's Office for Policing and Crime.

(13) In this section—

"1999 Act" means the Greater London Authority Act 1999;

"special scrutiny functions" means the functions conferred—

(a) by section 33(1), or

(b) by section 60A of, and Schedule 4A to, the 1999 Act in relation to the appointment of the Deputy Mayor for Policing and Crime by the Mayor's Office for Policing and Crime.

Commencement Information

I26 S. 32 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

33 Functions to be discharged by police and crime panel

(1) The London Assembly must—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(a) review the draft police and crime plan, or draft variation, given to the Assembly by the Mayor's Office for Policing and Crime in accordance with section 6(6)(c), and

(b) make a report or recommendations on the draft plan or variation to the Mayor's Office for Policing and Crime.

(2) The London Assembly must keep under review the exercise of the functions of the Mayor's Office for Policing and Crime, insofar as the Assembly is not otherwise required to do so by the other provisions of this section or by Schedule 4A to the 1999 Act.

(3) For the purposes of subsection (2), the powers of the London Assembly include, in particular, power to investigate, and prepare reports about—

(a) any actions and decisions of the Mayor's Office for Policing and Crime;

(b) any actions and decisions of the Deputy Mayor for Policing and Crime;

(c) any actions and decisions of a member of staff of the Mayor's Office for Policing and Crime;

(d) matters relating to the functions of the Mayor's Office for Policing and Crime;

(e) matters in relation to which the functions of the Mayor's Office for Policing and Crime are exercisable; or

(f) any other matters which the Assembly considers to be of importance to policing and crime reduction in the metropolitan police district.

(4) The London Assembly may submit proposals to the Mayor's Office for Policing and Crime.

(5) The London Assembly may require a person referred to in subsection (6)—

(a) to attend proceedings of the Assembly for the purpose of giving evidence, or

(b) to produce to the Assembly documents in the person's possession or under the person's control.

(6) Those persons are—

(a) the Deputy Mayor for Policing and Crime;

(b) any member of the staff of the Mayor's Office for Policing and Crime;

(c) the person who is the occupant of the Mayor's Office for Policing and Crime;

(d) any person who has within the 8 years prior to the date of the requirement to be imposed under subsection (5) been the Deputy Mayor for Policing and Crime or the occupant of the Mayor's Office for Policing and Crime.

(7) Nothing in subsection (5) requires a member of the staff of the Mayor's Office for Policing and Crime to give any evidence, or produce any document, which discloses advice given to the Mayor's Office for Policing and Crime by that person.

(8) If the London Assembly requires the Deputy Mayor for Policing and Crime, or the person who is the occupant of the Mayor's Office for Policing and Crime, to attend proceedings, the Assembly may (at reasonable notice) request the Commissioner of Police of the Metropolis to attend proceedings on the same occasion for the purpose of giving evidence.

(9) The following provisions of the 1999 Act apply (with appropriate modifications) to a requirement under subsection (5) as they apply to a requirement under section 61(1) of the 1999 Act—

(a) section 61(14) (meaning of document etc);

(b) section 62(3) to (6) (procedure for requiring attendance);
(c) section 63 (restriction of information);
(d) section 64 (failure to attend proceedings);
(e) section 65 (openness).

(10) In this section "1999 Act" means the Greater London Authority Act 1999.

Commencement Information
I27 S. 33 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 7(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(2))

CHAPTER 5

POLICE FORCES IN AREAS WITH ELECTED LOCAL POLICING BODIES

Chief officers of police

34 Engagement with local people

(1) A chief officer of police must make arrangements for obtaining the views of persons within each neighbourhood in the relevant police area about crime and disorder in that neighbourhood.

(2) A chief officer of police must make arrangements for providing persons within each neighbourhood in the relevant police area with information about policing in that neighbourhood (including information about how policing in that neighbourhood is aimed at dealing with crime and disorder there).

(3) Arrangements under this section must provide for, or include arrangements for, the holding in each neighbourhood of regular meetings between—
(a) persons within that neighbourhood, and
(b) police officers with responsibility for supervising or carrying out policing in that neighbourhood.

(4) It is for a chief officer of police to determine what the neighbourhoods are in the relevant police area.

Commencement Information
I28 S. 34 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

35 Value for money

(1) In exercising functions, a chief officer of police must secure that good value for money is obtained.

(2) That includes securing that the persons under the direction and control of the chief officer of police obtain good value for money in exercising their functions.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information

I29 S. 35 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

36 Information for elected local policing bodies

(1) A chief officer of police must give the relevant elected local policing body such information on policing matters that the body may require the chief officer to give.

(2) Such information must be in the form (if any) specified by the elected local policing body.

(3) The elected local policing body may—

(a) arrange for such information to be published, or

(b) require the chief officer of police to arrange for such information to be published.

(4) It is for the elected local policing body to determine the manner in which information is to be published in accordance with subsection (3) (a) or (b).

(5) In this section "policing matters" means matters connected with the policing of the relevant police area.

Commencement Information

I30 S. 36 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

37 Appointment of persons not employed by chief officers of police

(1) This section applies where a chief officer of police is required or authorised by any Act—

(a) to appoint a person to a specified post in the relevant police force, or a specified post in the civilian staff of the relevant police force, or

(b) to designate a person as having specified duties or responsibilities.

(2) The chief officer of police may appoint or designate a person whether or not the person is already a member of staff of the police force.

(3) Subsection (2) has effect in spite of any provision to the contrary in the Act that is mentioned in subsection (1).

Commencement Information

I31 S. 37 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

Police forces outside London

38 Appointment, suspension and removal of chief constables

(1) The police and crime commissioner for a police area is to appoint the chief constable of the police force for that area.

(2) The police and crime commissioner for a police area may suspend from duty the chief constable of the police force for that area.

(3) The police and crime commissioner for a police area may call upon the chief constable of the police force for that area to resign or retire.

(4) The chief constable must retire or resign if called upon to do so by the relevant police and crime commissioner in accordance with subsection (3).

(5) Schedule 8 (appointment, suspension and removal of senior police officers) has effect.

(6) This section is subject to Parts 1 and 2 of Schedule 8.

(7) This section and Schedule 8 are subject to regulations under section 50 of the Police Act 1996.

39 Deputy chief constables

(1) Each police force must have one or more deputy chief constables.

(2) The chief constable of a police force must consult the relevant police and crime commissioner before increasing the number of deputy chief constables which the force has.

(3) The chief constable of a police force must consult the relevant police and crime commissioner before appointing a person to be a deputy chief constable of the force.

(4) The chief constable of a police force may suspend from duty a deputy chief constable of that police force.

(5) The chief constable of a police force may call upon a deputy chief constable of that police force to resign or retire.

(6) A deputy chief constable must resign or retire if called upon to do so by the chief constable in accordance with subsection (5).

(7) Subsections (3) to (6) are subject to regulations under section 50 of the Police Act 1996.

(8) Subsections (4) to (6) are subject to Part 3 of Schedule 8 (suspension and removal of other senior police officers).

(9) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

40 Assistant chief constables

(1) Each police force must have one or more assistant chief constables.

(2) The chief constable of a police force must consult the relevant police and crime commissioner before appointing a person as an assistant chief constable of the force.

(3) The chief constable of a police force may suspend from duty an assistant chief constable of that police force.

(4) The chief constable of a police force may call upon an assistant chief constable of that police force to resign or retire.

(5) An assistant chief constable must resign or retire if called upon to do so by the chief constable in accordance with subsection (4).

(6) Subsections (2) to (5) are subject to regulations under section 50 of the Police Act 1996.

(7) Subsections (3) to (5) are subject to Part 3 of Schedule 8 (suspension and removal of other senior police officers).

(8) In this section "police force" means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

41 Power of deputy to exercise functions of chief constable

(1) The appropriate deputy chief constable of a police force may exercise or perform any or all of the functions of the chief constable of the force—
  (a) during any period when the chief constable is unable to exercise functions, or
  (b) at any other time, with the consent of the chief constable.

(2) For the purposes of subsection (1), the appropriate deputy chief constable is—
  (a) if the police force has only one deputy chief constable, the deputy chief constable;
  (b) if the police force has more than one deputy chief constable, the most senior deputy chief constable.

(3) If the police force has more than one deputy chief constable, the chief constable must designate the deputy chief constables in order of seniority for the purposes of subsection (2)(b).

(4) During any absence, incapacity or suspension from duty of the person who—
  (a) is designated as the most senior deputy chief constable for the purposes of subsection (2)(b), or
  (b) is treated under this section as the most senior deputy chief constable,

  the person designated as the next most senior deputy chief constable is to be treated as the most senior one for the purposes of subsection (2)(b).

(5) The assistant chief constable designated for this purpose by the chief constable of the force may exercise any or all of the chief constable's functions during any period when—
  (a) the chief constable is unable to exercise functions, and
  (b) a deputy chief constable is unable to exercise functions.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(6) The chief constable of the force must designate an assistant chief constable of the force for the purposes of subsection (5).

(7) Only one person is authorised to act at any one time by virtue of a designation by the chief constable.

(8) The chief constable must consult the relevant police and crime commissioner before making a designation for the purposes of subsection (2)(b) or (5).

(9) This section is without prejudice to any other enactment that makes provision for a person other than the chief constable to exercise the chief constable's functions.

(10) In a case where a deputy chief constable or assistant chief constable (the "acting chief constable") is authorised by subsection (1)(a) or (5) to exercise or perform functions of a chief constable—

(a) section 38(2) and (3) apply in relation to the acting chief constable as they apply in relation to the chief constable (and references to chief constables in those provisions, and in other enactments relating to those provisions, are to be read accordingly); and

(b) section 39(4) and (5) or section 40(3) and (4) do not apply in relation to the acting chief constable.

(11) In this section—

(a) "police force" means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London);

(b) a reference to a period when the chief constable is unable to exercise functions is a reference to a period when—

(i) the chief constable is absent, incapacitated or suspended from duty, or

(ii) the office of chief constable is vacant;

(c) a reference to a period when a deputy chief constable is unable to exercise functions is a reference to a period when—

(i) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty, or

(ii) the office of deputy chief constable, or of each deputy chief constable, is vacant.

The metropolitan police force

42 Appointment of Commissioner of Police of the Metropolis

(1) The Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.

(2) A constable holds office as the Commissioner of Police of the Metropolis at Her Majesty's pleasure.

(3) The Secretary of State may not recommend to Her Majesty that She appoint a person as the Commissioner of Police of the Metropolis unless that person is, or has been, a constable in any part of the United Kingdom; and, before making such a recommendation, the Secretary of State must have regard to any recommendations made by the Mayor's Office for Policing and Crime.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(4) The appointment of the Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

Commencement Information
I32 S. 42 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

43 Deputy Commissioner of Police of the Metropolis

(1) The Metropolitan Police force has one Deputy Commissioner of Police of the Metropolis.

(2) The Deputy Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.

(3) A person holds office as the Deputy Commissioner of Police of the Metropolis at Her Majesty's pleasure.

(4) Before recommending to Her Majesty that She appoint a person as the Deputy Commissioner of Police of the Metropolis, the Secretary of State must have regard to—
   (a) any recommendations made by the Commissioner of Police of the Metropolis, and
   (b) any representations made by the Mayor's Office for Policing and Crime.

(5) The appointment of the Deputy Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

Commencement Information
I33 S. 43 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

44 Functions of Deputy Commissioner of Police of the Metropolis

(1) The Deputy Commissioner of Police of the Metropolis may exercise any or all of the powers and duties of the Commissioner of Police of the Metropolis—
   (a) during any absence, incapacity or suspension from duty of the Commissioner,
   (b) during any vacancy in the office of Commissioner, or
   (c) at any other time, with the consent of the Commissioner.

(2) The Deputy Commissioner of Police of the Metropolis does not have power to act by virtue of subsection (1)(a) or (b) for a continuous period exceeding three months, except with the consent of the Secretary of State.

(3) The Deputy Commissioner of Police of the Metropolis has all the powers and duties of an Assistant Commissioner of Police of the Metropolis.

Commencement Information
I34 S. 44 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

45 Assistant Commissioners of Police of the Metropolis

(1) The metropolitan police force must have one or more Assistant Commissioners of Police of the Metropolis.

(2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as an Assistant Commissioner of Police of the Metropolis.

(3) The appointment of a person as an Assistant Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

(4) An Assistant Commissioner of Police of the Metropolis may exercise any of the powers and duties of the Commissioner of Police of the Metropolis with the consent of the Commissioner of Police of the Metropolis.

(5) Subsection (4) is without prejudice to regulations under section 50 of the Police Act 1996.

(6) In a case where an Assistant Commissioner of Police of the Metropolis is acting in place of the Commissioner of Police of the Metropolis—
  (a) section 48 applies in relation to the Assistant Commissioner as it applies to the Commissioner (and references to the Commissioner in that section, and in other enactments relating to that section, are to be read accordingly); and
  (b) section 49 does not apply in relation to the Assistant Commissioner.

(7) For the purposes of subsection (6), an Assistant Commissioner is to be taken to be acting in place of the Commissioner at a particular time if—
  (a) the Assistant Commissioner is, at that time, authorised by subsection (4) to exercise powers and duties of the Commissioner, and
  (b) that time falls during—
    (i) any absence, incapacity or suspension from office of the Commissioner, or
    (ii) any vacancy in the office of Commissioner.

Commencement Information
I35 S. 45 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

46 Deputy Assistant Commissioners of Police of the Metropolis

(1) The metropolitan police force must have one or more Deputy Assistant Commissioners of Police of the Metropolis.

(2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as a Deputy Assistant Commissioner of Police of the Metropolis.

(3) The appointment of a person as a Deputy Assistant Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I36 S. 46 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

47 Commanders

(1) The metropolitan police force must have one or more Commanders.

(2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as a Commander.

(3) The appointment of a person as a Commander is subject to regulations under section 50 of the Police Act 1996.

Commencement Information
I37 S. 47 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

48 Suspension and removal of Commissioner and Deputy Commissioner

(1) The Mayor's Office for Policing and Crime may, with the approval of the Secretary of State—
  (a) suspend the Commissioner of Police of the Metropolis from duty, or
  (b) suspend the Deputy Commissioner of Police of the Metropolis from duty.

(2) If the Mayor's Office for Policing and Crime suspends the Commissioner, or Deputy Commissioner, from duty, that Office must notify the Secretary of State of the suspension.

(3) The Mayor's Office for Policing and Crime may, subject to subsections (5) and (6), and with the approval of the Secretary of State—
  (a) call upon the Commissioner of Police of the Metropolis to resign or retire, or
  (b) call upon the Deputy Commissioner of Police of the Metropolis to resign or retire.

(4) The Commissioner, or Deputy Commissioner, must resign or retire if called upon to do so in accordance with subsection (3).

(5) Before calling upon the Commissioner, or Deputy Commissioner, to retire or resign, the Mayor's Office for Policing and Crime must—
  (a) give the police officer a written explanation of the reasons why the Office is proposing to call for the retirement or resignation;
  (b) give the police officer the opportunity to make written representations about the proposal to call for the police officer's resignation or retirement; and
  (c) consider any written representations made by the police officer.

(6) The Mayor's Office for Policing and Crime must comply with subsection (5) before seeking the approval of the Secretary of State to call upon the Commissioner, or Deputy Commissioner, to retire or resign.

(7) This section is subject to regulations under section 50 of the Police Act 1996.

(8) This section is without prejudice to—
- (a) section 42(2);
- (b) section 43(3); or
- (c) regulations under the Police Pensions Act 1976.

Commencement Information
I38 S. 48 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

49 Suspension and removal of other senior metropolitan police officers

(1) The Commissioner of Police of the Metropolis may suspend a senior metropolitan police officer from duty.

(2) If the Commissioner suspends a senior metropolitan police officer from duty, the Commissioner must notify the Mayor's Office for Policing and Crime of the suspension.

(3) The Commissioner of Police of the Metropolis may, subject to subsection (5), and after consulting the Mayor's Office for Policing and Crime, call upon a senior metropolitan police officer to resign or retire.

(4) A senior metropolitan police officer must resign or retire if called upon to do so in accordance with subsection (3).

(5) Before calling upon a senior metropolitan police officer to retire or resign, the Commissioner of Police of the Metropolis must—
- (a) give the police officer a written explanation of the reasons why the Commissioner is proposing to call for the retirement or resignation;
- (b) give the police officer the opportunity to make written representations about the proposal to call for the police officer's resignation or retirement; and
- (c) consider any written representations made by the police officer.

(6) This section is subject to regulations under section 50 of the Police Act 1996.

(7) This section is without prejudice to regulations under the Police Pensions Act 1976.

(8) In this section “senior metropolitan police officer” means any of the following—
- (a) an Assistant Commissioner of Police of the Metropolis;
- (b) a Deputy Assistant Commissioner of Police of the Metropolis;
- (c) a Commander.

Commencement Information
I39 S. 49 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

CHAPTER 6

POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

Holding of elections

50 Ordinary elections

(1) An election of police and crime commissioners for all police areas (an "ordinary election") is to be held—
  (a) in 2012;
  (b) in each subsequent fourth year.

(2) The poll at the ordinary election of police and crime commissioners in 2012 is to be held on 15 November 2012.

(3) The poll at an ordinary election of police and crime commissioners in any year after 2012 is to be held on the ordinary day of election in the year of the election.

(4) But, if the Secretary of State so specifies in an order, the poll at an ordinary election of police and crime commissioners in any year after 2012 is to be held on such day in the year of the election as may be specified in the order.

(5) An order under subsection (4)—
  (a) may not specify, as the day of a poll, a day which is before the ordinary day of election in the year of the election;
  (b) may not be made within the period of six months ending with the ordinary day of election in relation to England, or (if earlier) the ordinary day of election in relation to Wales, in the year of the election (or the first of the elections) to which the order relates.

(6) In this section, "the ordinary day of election" in any year means—
  (a) in relation to England, the day which is the ordinary day of election in that year of councillors for counties in England and districts (see sections 37 and 37A of the Representation of the People Act 1983), and
  (b) in relation to Wales, the day which is the ordinary day of election in that year of councillors for counties in Wales and county boroughs (see sections 37 and 37B of that Act).

(7) The term of office of a person elected as a police and crime commissioner at an ordinary election—
  (a) begins with the seventh day after the day of the poll at the election, and
  (b) ends with the sixth day after the day of the poll at the next ordinary election of police and crime commissioners.

(8) Subsection (7) is subject to any provision of or made under this or any other Act relating to the appointment or election of police and crime commissioners or their ceasing to hold office.

Commencement Information
I40 S. 50 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

51 Election to fill vacancy in office of commissioner

(1) This section applies where a vacancy occurs in the office of police and crime commissioner for a police area.

(2) An election must be held to fill the vacancy.

(3) The police area returning officer must fix the date of the poll at the election.

(4) The date fixed must be not more than 35 days after the relevant event (computed in accordance with section 73).

(5) For the purposes of subsection (4), "the relevant event" means—
- (a) in a case where the High Court or the appropriate officer has declared the office to be vacant, the making of that declaration;
- (b) in any other case, the giving of notice of the vacancy to the appropriate officer by two or more relevant electors.

(6) For this purpose "relevant elector" means a person who is registered in a register of local government electors in respect of an address within the police area.

(7) If the vacancy occurs within the period of six months ending with the day of the poll at the next ordinary election of police and crime commissioners—
- (a) no election is to be held under subsection (2) in respect of the vacancy, and
- (b) accordingly, the office is to be left unfilled until that ordinary election.

(8) The term of office of a person elected as a police and crime commissioner for a police area at an election to fill a vacancy in the office—
- (a) begins immediately the person is declared to be elected as police and crime commissioner for the area;
- (b) ends at the time when it would have ended had the person been elected at the most recent ordinary election of police and crime commissioners.

(9) In the case of a vacancy occurring in consequence of the failure of, or other irregularity in relation to, an election, subsections (3) and (4) have effect subject to any provision made by an order under section 58.

Commencement Information
I41 S. 51 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

52 Persons entitled to vote

(1) A person is entitled to vote as an elector at an election of a police and crime commissioner for a police area if on the date of the poll—
- (a) the person would be entitled to vote as an elector at a local government election in an electoral area wholly or partly comprised in the police area, and
- (b) the address in respect of which the person is registered in the register of local government electors for that electoral area is within the police area.

(2) A person is not entitled to vote as an elector more than once in the same police area at any election of a police and crime commissioner.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I42 S. 52 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

53 Public awareness about elections: role of Electoral Commission

The Electoral Commission must, in relation to—

(a) each ordinary election of police and crime commissioners under section 50,

(b) each election to fill a vacancy in the office of police and crime commissioner for a police area under section 51,

take such steps as it considers appropriate to raise public awareness about the election and how to vote in it.

Commencement Information
I43 S. 53 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

Conduct of elections

54 Returning officers etc

(1) The returning officer for an election of a police and crime commissioner for a police area ("the police area returning officer") is to be a person who—

(a) is an acting returning officer by virtue of section 28(1) of the Representation of the People Act 1983 (acting returning officer for parliamentary election) for a constituency falling wholly or partly within the police area, and

(b) is designated for the purposes of this subsection by order of the Secretary of State.

(2) The Secretary of State may by regulations confer functions—

(a) on police area returning officers, and

(b) on local returning officers.

(3) Regulations under subsection (2) may apply or incorporate, with or without modifications or exceptions, any relevant provision.

(4) Each relevant local authority must place the services of its officers at the disposal of any person on whom functions are conferred under subsection (2) in relation to the police area for the purpose of assisting that person in the discharge of those functions.

(5) In this section—

"local authority" means—

(a) a district council,

(b) a county council in England for a county in which there are no district councils,

(c) the Council of the Isles of Scilly,

(d) a county council or county borough council in Wales;

"local election" means an election of members of a local authority;

"local returning officer" means a person who, by virtue of section 35 of the Representation of the People Act 1983, is a returning officer for any local elections;

"relevant local authority", in relation to a police area, means a local authority whose area falls wholly or partly within the police area;

"relevant provision" means any provision (whenever passed or made) of, or made under, any of the following—

(a) the Representation of the People Acts,

(b) the Local Government Act 1972,

(c) the Local Government Act 2000,

(d) the Political Parties, Elections and Referendums Act 2000,

(e) the European Parliamentary Elections Act 2002,

(f) the Government of Wales Act 2006, and

(g) any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections.

Commencement Information

I44 S. 54 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

55 Returning officers: expenditure

(1) A returning officer may recover charges in respect of services rendered, or expenses incurred, by the officer for or in connection with an election of a police and crime commissioner if—

(a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election, and

(b) the total of the officer's charges does not exceed the amount ("the overall maximum recoverable amount") specified in, or determined in accordance with, an order made by the Secretary of State, with the consent of the Treasury, for the purposes of this subsection.

(2) An order under subsection (1) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description.

(3) Subject to subsection (4), the returning officer may not recover more than the specified maximum recoverable amount in respect of any specified services or expenses.

(4) In a particular case the Secretary of State may authorise the payment of—

(a) more than the overall maximum recoverable amount, or

(b) more than the specified maximum recoverable amount for any specified services or expenses,

if the Secretary of State is satisfied that the conditions in subsection (5) are met.

(5) Those conditions are—

(a) that it was reasonable for the returning officer concerned to render the services or incur the expenses, and

(b) that the charges in question are reasonable.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(6) The amount of any charges recoverable in accordance with this section is to be paid by the Secretary of State on an account being submitted to the Secretary of State.

(7) But the Secretary of State may, before payment, apply for the account to be taxed under section 56.

(8) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer's charges at an election of a police and crime commissioner, then on an account being submitted to the Secretary of State a sum equal to the increase must be paid to the authority by the Secretary of State.

(9) On the request of a returning officer for an advance on account of the officer's charges, the Secretary of State may make such an advance on such terms as the Secretary of State thinks fit.

(10) The Secretary of State may by regulations make provision as to—

(a) the time when, and

(b) the manner and form in which,

accounts are to be rendered to the Secretary of State for the purposes of the payment of a returning officer's charges.

(11) Any sums required by the Secretary of State for making payments under this section are to be charged on, and paid out of, the Consolidated Fund.

(12) In this section—

"local authority" has the same meaning as in section 54;

"local returning officer" has the same meaning as in that section;

"returning officer" means—

(a) a police area returning officer, or

(b) a local returning officer on whom functions are conferred under subsection (2) of that section;

"specified" means specified in, or determined in accordance with, an order under subsection (1).

Commencement Information

I45 S. 55 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

56 Taxation of returning officer's account

(1) Any application under section 55(7) for a returning officer's account to be taxed is to be made to the county court.

(2) On any such application the court has jurisdiction—

(a) to tax the account—

(i) in such manner, and

(ii) at such time and place,

as the court thinks fit, and

(b) finally to determine the amount payable to the returning officer.

(3) On any such application the returning officer may apply to the court to examine any claim made by any person against the officer in respect of matters charged in the account.

(4) Where an application is made in respect of a claim under subsection (3)—
- (a) notice of the application must be given to the claimant;
- (b) the court must give the claimant an opportunity to be heard and to tender any evidence;
- (c) the court may allow or disallow the claim, with or without costs;
- (d) the determination of the court is final for all purposes and as against all persons.

(5) In this section "returning officer" has the same meaning as in section 55.

Commencement Information
I46 S. 56 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

57 Voting at elections of police and crime commissioners

(1) This section applies to any election under this Chapter of a police and crime commissioner for a police area.

(2) The commissioner is to be returned under the simple majority system, unless there are three or more candidates.

(3) If there are three or more candidates—
- (a) the commissioner is to be returned under the supplementary vote system, and
- (b) any vote in the election is a supplementary vote.

(4) Schedule 9 (the supplementary vote system) has effect.

(5) In subsection (3), "supplementary vote" means a vote capable of being given to indicate first and second preferences from among the candidates.

Commencement Information
I47 S. 57 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

58 Power to make provision about elections etc

(1) The Secretary of State may by order make provision as to—
- (a) the conduct of elections of persons to be police and crime commissioners;
- (b) the questioning of such an election and the consequences of irregularities.

(2) The provision which may be made under subsection (1)(a) includes, in particular, provision—
- (a) about registration of electors;
- (b) for disregarding alterations in a register of electors;

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(c) about the registration or other recognition of political parties and other persons incurring expenditure in relation to elections of police and crime commissioners;

(d) about funding and expenditure, in relation to elections of police and crime commissioners, of candidates, political parties and other persons incurring such expenditure;

(e) for the combination of polls at elections of police and crime commissioners and other polls;

(f) for any election held in consequence of any irregularity at an ordinary election to be treated as held at an ordinary election for any of the purposes of this Act.

(3) An order under subsection (1) may—

(a) apply or incorporate, with or without modifications or exceptions, any relevant provision;

(b) modify any form contained in any relevant provision so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for police and crime commissioners;

(c) include provision creating criminal offences.

(4) Provision within paragraph (d) of subsection (2) includes, in particular—

(a) provision prohibiting, or imposing limitations on, funding or expenditure of any kind mentioned in that paragraph, and

(b) provision for treating funding or expenditure of any such kind which does not relate exclusively to an election of police and crime commissioners as being (or not being), wholly or partly, funding or expenditure in relation to which—

(i) any provision within paragraph (a) applies, or

(ii) any relevant provision applies.

(5) The Secretary of State may by order make modifications of any relevant provision that are consequential on any provision of—

(a) section 1(4),

(b) this Chapter,

(c) an order under subsection (1), or

(d) regulations under section 54.

(6) Provision that may be made under subsection (5) includes, in particular, provision modifying any relevant provision so as to apply (with or without modifications)—

(a) in relation to elections for police and crime commissioners as it applies in relation to other elections;

(b) in relation to police and crime commissioners as it applies in relation to persons elected at other elections.

(7) In this section—

"relevant provision" means any provision (whenever passed or made) of, or made under, any of the following—

(a) the Representation of the People Acts,

(b) the Local Government Act 1972,

(c) the Local Government Act 2000,

(d) the Political Parties, Elections and Referendums Act 2000,

(e) the European Parliamentary Elections Act 2002,

(f) the Government of Wales Act 2006, and

(g) any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections;

"modify" includes amend, repeal or revoke (and related terms are to be read accordingly).

Vacancy in office of police and crime commissioner

59 Date of vacancy in office of commissioner

(1) For the purposes of this Chapter, a vacancy in the office of police and crime commissioner for a police area is to be regarded as occurring—

(a) in the case of a vacancy in consequence of the failure of, or other irregularity in relation to, an election, at the time specified in an order under section 58;

(b) in the case of resignation, on receipt of the notice of resignation by the appropriate officer;

(c) in the case of death, on the date of death;

(d) in any case within subsection (2), on the date on which the office of police and crime commissioner for the police area is declared to have been vacated by the High Court or by the appropriate officer, as the case may be.

(2) The cases referred to in subsection (1)(d) are—

(a) where the person elected as police and crime commissioner fails to make and deliver a declaration of acceptance of office in accordance with section 70;

(b) where a vacancy arises under section 63 (incapacity of commissioner: acting commissioner acting for 6 months);

(c) where a person becomes disqualified—

(i) from being a police and crime commissioner, or

(ii) from being the police and crime commissioner for the police area.

(3) The appropriate officer must give public notice of a vacancy in the office of police and crime commissioner for a police area.

(4) The appropriate officer must give notice of a vacancy in the office of police and crime commissioner for a police area to the police area returning officer.

(5) Any notice under subsection (3) or (4) must be given as soon as practicable after the date on which the vacancy is to be regarded under this section as occurring.

Commencement Information

I48 S. 59 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

60 Declaration of vacancy in certain cases

(1) Subsection (2) applies where—

(a) a police and crime commissioner for a police area becomes disqualified (whether by virtue of this or any other Act)—

(i) from being a police and crime commissioner, or

(ii) from being the police and crime commissioner for the police area,

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(b) the person elected as police and crime commissioner for a police area fails to make and deliver a declaration of acceptance of office in accordance with section 70, or

(c) a vacancy arises under section 63 (incapacity of commissioner: acting commissioner acting for 6 months).

(2) The appropriate officer must forthwith declare the office of police and crime commissioner for that police area to be vacant, unless—

(a) it has been declared vacant by the High Court, or

(b) an application has been made to the High Court for a declaration under section 71 and the grounds in issue include any ground on which the appropriate officer would (but for this paragraph) make the declaration.

Commencement Information

I49 S. 60 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

61 Resignation of commissioner

(1) A police and crime commissioner may at any time resign office by giving notice to the appropriate officer.

(2) Any such resignation takes effect on the officer's receipt of the notice.

Commencement Information

I50 S. 61 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

Vacancy or incapacity

62 Appointment of acting commissioner

(1) The police and crime panel for a police area must appoint a person to act as police and crime commissioner for that area (the "acting commissioner") if—

(a) no person holds the office of police and crime commissioner for that area,

(b) the police and crime commissioner for that area is incapacitated, or

(c) the police and crime commissioner for that area is suspended in accordance with section 30.

(2) The police and crime panel may appoint a person as acting commissioner only if the person is a member of the police and crime commissioner's staff at the time of the appointment.

(3) In appointing a person as acting commissioner in a case where the police and crime commissioner is incapacitated, the police and crime panel must have regard to any representations made by the commissioner in relation to the appointment.

(4) All the functions of a police and crime commissioner are exercisable by an acting commissioner, apart from issuing or varying a police and crime plan under section 5.

(5) Any property or rights vested in the police and crime commissioner may be dealt with by the acting commissioner as if vested in the acting commissioner.

(6) The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events—

(a) the election of a person as police and crime commissioner;

(b) the termination by the police and crime panel, or by the acting commissioner, of the appointment of the acting commissioner;

(c) in a case where the acting commissioner is appointed because the police and crime commissioner is incapacitated, the commissioner ceasing to be incapacitated;

(d) in a case where the acting commissioner is appointed because the police and crime commissioner is suspended, the commissioner ceasing to be suspended.

(7) In a case where—

(a) the acting commissioner is appointed because the police and crime commissioner is incapacitated or suspended, and

(b) a vacancy subsequently occurs in the office of police and crime commissioner,

the occurrence of that vacancy does not affect the appointment of the acting commissioner (and accordingly subsection (6)(c) or (d) does not apply).

(8) For the purposes of this section—

(a) a police and crime commissioner is incapacitated if the commissioner is unable to exercise the functions of commissioner, except where the commissioner is unable to exercise those functions only because the commissioner has yet to give a declaration of office under section 70; and

(b) it is for the police and crime panel for a police area to determine whether or not the police and crime commissioner for that area is incapacitated.

(9) Subject to subsection (4), a reference in any enactment to a police and crime commissioner includes a reference to an acting commissioner.

Commencement Information

I51 S. 62 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

63 Vacancy where acting commissioner acts for 6 months

(1) Subsection (2) applies where—

(a) an acting commissioner is appointed under section 62 to act for the police and crime commissioner for a police area because the police and crime commissioner is incapacitated, and

(b) the police and crime commissioner does not cease to be incapacitated during the period of 6 months beginning with the day on which the acting commissioner is appointed.

(2) At the end of that 6 month period—

(a) the police and crime commissioner ceases to be police and crime commissioner, and

(b) accordingly, the office of police and crime commissioner for that police area becomes vacant.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I52 S. 63 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

Disqualification

64 Disqualification from election as police and crime commissioner

(1) A person is disqualified from being elected to the office of police and crime commissioner for a police area at any election unless—
  (a) the person has attained the age of 18 when nominated as a candidate at the election, and
  (b) on each relevant day, the person is registered in the register of local government electors for an electoral area in respect of an address in the police area.

(2) In this section "relevant day", in relation to a person who is a candidate at an election, means—
  (a) the day on which the person is nominated as a candidate at the election;
  (b) the day of the poll at the election.

(3) A person is disqualified from being elected to the office of police and crime commissioner for a police area at an ordinary election if the person has been nominated as a candidate for election as police and crime commissioner for any other police area at that election.

(4) A person is disqualified from being elected to the office of police and crime commissioner for a police area at an election other than an ordinary election if—
  (a) the person is police and crime commissioner for any other police area, or
  (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.

Commencement Information
I53 S. 64 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

65 Disqualification from election or holding office as police and crime commissioner: police grounds

(1) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—
  (a) is disqualified from being a member of the House of Commons under section 1(1)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);
  (b) is a member of—
    (i) the British Transport Police Force;
    (ii) the Civil Nuclear Constabulary;
  (c) is a special constable appointed—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(i) under section 27 of the Police Act 1996 for a police area or the City of London police area;

(ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force);

(d) is a member of staff of the chief officer of police of any police force maintained for a police area;

(e) is a member of staff of—

(i) a police and crime commissioner;

(ii) the Mayor's Office for Policing and Crime;

(f) is the Mayor of London;

(g) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;

(h) is a member (including a member who is chairman or chief executive), or member of staff, of—

(i) the British Transport Police Authority;

(ii) the Civil Nuclear Police Authority;

(iii) the Independent Police Complaints Commission;

(iv) the Serious Organised Crime Agency;

(v) the National Policing Improvement Agency;

(i) holds any employment in an entity which is under the control of—

(i) a local policing body;

(ii) any body mentioned in paragraph (h);

(iii) the chief officer of police for any police force maintained for a police area or the City of London police area;

(iv) the chief officer of police for any police force mentioned in paragraph (b).

(2) In this section, "member of staff", in relation to any person ("A"), includes a person ("B") who works for A—

(a) under a contract of employment,

(b) under a contract for services, or

(c) in accordance with arrangements made between B's employer and A;

and for this purpose B works for A if B provides services for A under the direction and control of A.

(3) In subsection (1)(i), the reference to an entity under the control of a local policing body or other body or a chief officer of police is to be construed in accordance with regulations made by the Secretary of State.

(4) In its application in relation to the first election of a police and crime commissioner to be held for a police area, this section applies as if—

(a) for paragraphs (d) to (g) of subsection (1) there were substituted—

"(d) any member, or member of staff, of a police authority within the meaning of the Police Act 1996 (see section 101 of that Act);", and

(b) for paragraph (i)(i) of that subsection there were substituted—

"(i) a police authority within the meaning of the Police Act 1996."

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information

I54 S. 65 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

66 Disqualification from election or holding office as police and crime commissioner: other grounds

(1) A person is disqualified from being elected as, or being, a police and crime commissioner unless the person satisfies the citizenship condition (see section 68).

(2) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—

(a) is disqualified from being a member of the House of Commons under section 1(1)(a) to (c) of the House of Commons Disqualification Act 1975 (judges, civil servants, members of the armed forces), or

(b) is a member of the legislature of any country or territory outside the United Kingdom.

(3) A person is disqualified from being elected as, or being, a police and crime commissioner if—

(a) the person is the subject of—

(i) a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986;

(ii) an interim debt relief restrictions order under paragraph 5 of that Schedule;

(iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;

(iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule;

(b) a debt relief restrictions undertaking has effect in respect of the person under paragraph 7 of Schedule 4ZB to that Act;

(c) the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence); or

(d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).

(4) For the purpose of subsection (3)(c)—

(a) "imprisonable offence" means an offence—

(i) for which a person who has attained the age of 18 years may be sentenced to a term of imprisonment, or

(ii) for which, in the case of such a person, the sentence is fixed by law as life imprisonment;

(b) a person is to be treated as having been convicted—

(i) on the expiry of the ordinary period allowed for an appeal or application in respect of the conviction, or

(ii) if an appeal or application is made in respect of the conviction, when the appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution.

(5) A person is disqualified from being elected as, or being, police and crime commissioner for a police area if the person—

(a) is a member of staff of a relevant council, or

(b) holds any employment in an entity which is under the control of a relevant council within subsection (7)(a), (b), (c) or (f).

(6) For this purpose—

"member of staff" has the same meaning as in section 65;

"relevant council", in relation to a police area, means a council within subsection (7) for an area which, or any part of which, lies within the police area.

(7) Those councils are—

(a) a county council;

(b) a county borough council;

(c) a district council;

(d) a parish council;

(e) a community council;

(f) the Council of the Isles of Scilly.

(8) In subsection (5)(b), the reference to an entity under the control of a relevant council is to be construed in accordance with regulations made by the Secretary of State.

(9) Nothing in subsection (5) is to be taken to disqualify a person by virtue of being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a relevant council.

Commencement Information

I55 S. 66 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

67 Disqualification of person holding office as police and crime commissioner

A person becomes disqualified from being a police and crime commissioner upon becoming a member of—

(a) the House of Commons;

(b) the Scottish Parliament;

(c) the National Assembly for Wales;

(d) the Northern Ireland Assembly;

(e) the European Parliament.

Commencement Information

I56 S. 67 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

68 Citizenship condition

(1) This section applies for the purposes of section 66.

(2) A person satisfies the citizenship condition if the person is—
- (a) a qualifying Commonwealth citizen,
- (b) a citizen of the Republic of Ireland, or
- (c) a citizen of the Union.

(3) For the purposes of this section, a person is a qualifying Commonwealth citizen if the person is a Commonwealth citizen and—
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is a person who requires such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(4) But a person who does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases) is not a qualifying Commonwealth citizen by virtue of subsection (3)(a).

(5) In this section the expression "citizen of the Union" is to be construed in accordance with Article 20(1) of the Treaty on the Functioning of the European Union.

Commencement Information
I57 S. 68 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

69 Validity of acts

The acts of a person elected as police and crime commissioner for a police area under this Chapter who acts in that office are, despite any disqualification—
- (a) from being, or being elected as, a police and crime commissioner, or
- (b) from being, or being elected as police and crime commissioner for that area,

as valid and effectual as if the person had not been so disqualified.

Commencement Information
I58 S. 69 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

Elections: further provision

70 Declaration of acceptance of office of police and crime commissioner

(1) A person elected to the office of police and crime commissioner for any police area may not act in that office unless the person has—
- (a) made a declaration of acceptance of the office in a form specified in an order made by the Secretary of State, and
- (b) delivered the declaration to the appropriate officer,

in each case, when not ineligible by virtue of subsection (5).

(2) If the person fails to make and deliver a declaration in accordance with subsection (1) within the period of two months beginning with the day after the election, the office of police and crime commissioner for that area becomes vacant at the end of the period.

(3) Any declaration made under this section must be made before—
  (a) the appropriate officer;
  (b) a justice of the peace or magistrate in the United Kingdom, the Channel Islands or the Isle of Man, or
  (c) a commissioner appointed to administer oaths in the Senior Courts.

(4) Any person before whom a declaration is authorised to be made under this section may take the declaration.

(5) A person is ineligible to make or give a declaration of acceptance of office under this section in respect of the office of police and crime commissioner for a police area at any time when the person is a member of—
  (a) the House of Commons;
  (b) the Scottish Parliament;
  (c) the National Assembly for Wales;
  (d) the Northern Ireland Assembly;
  (e) the European Parliament.

(6) No salary, and no payment towards the provision of superannuation benefits, is to be paid under this Act to or in respect of a police and crime commissioner until the commissioner has complied with the requirements of subsection (1).

(7) Subsection (6) does not affect any entitlement of a police and crime commissioner to payments in respect of the period before the commissioner complies with the requirements of subsection (1) once the commissioner has complied with those requirements.

Commencement Information
I59 S. 70 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

71 Judicial proceedings as to disqualification or vacancy

(1) Any person who claims that a person purporting to be a police and crime commissioner for a police area is, or at any time since being elected has been, disqualified—
  (a) from being a police and crime commissioner; or
  (b) from being police and crime commissioner for the police area,

may apply to the High Court for a declaration to that effect, and that accordingly the office of police and crime commissioner for the area is vacant.

(2) An application under subsection (1) in respect of any person may be made whether the grounds on which it is made are alleged to have subsisted at the time when the person was elected or to have arisen subsequently.

(3) No declaration may be made under this section in respect of any person on grounds which subsisted when the person was elected, if an election petition under an order

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

under section 58 is pending or has been tried in which the person's disqualification on those grounds is or was in issue.

(4) Any person who claims that a person purporting to be a police and crime commissioner for a police area has ceased to be the police and crime commissioner for the police area by virtue of—
   (a) section 63, or
   (b) section 70,
   may apply to the High Court for a declaration to that effect.

(5) On an application under this section—
   (a) the person in respect of whom the application is made is to be the respondent, and
   (b) the applicant must give such security for the costs of the proceedings as the court may direct.

(6) The amount of the security may not exceed £5,000 or such other sum as the Secretary of State may specify by order.

(7) The decision of the court on an application under this section is final.

Commencement Information
I60 S. 71 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

72 Amendment of police areas: term of office of commissioner

(1) Subsection (2) applies where a person becomes police and crime commissioner for a resulting police area by virtue of, or of an election required to be held by, a police area alteration order.

(2) The person's term of office as police and crime commissioner ends at the time when it would end had the person been elected as police and crime commissioner at the previous ordinary election of commissioners in England or, as the case may be, Wales.

(3) In this section—

"police area alteration order" means—
   (a) an order under section 32 of the Police Act 1996 (power to alter police areas by order);
   (b) an order under section 10 of the Local Government and Public Involvement in Health Act 2007 (implementation of Boundary Committee for England review of local government areas) which alters the boundary of any police area in England;
   (c) an order under section 58 of the Local Government Act 1972 (implementation of proposals by Local Government Boundary Commission for Wales) which alters the boundary of any police area in Wales;

"resulting police area", in relation to a police area alteration order, means a police area existing immediately after the order comes into force—
   (a) which is created by the order, or
   (b) any part of whose boundary results from the order.

(4) References in this section to the coming into force of a police area alteration order are references to the changes in police areas made by the order taking effect.

Commencement Information
I61 S. 72 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

73 Computation of time and timing of elections etc

(1) Subsection (2) applies where the day, or the last day, on which anything is required or permitted to be done by or under section 50, 51 or 70 is not a business day.

(2) The requirement or permission is deemed to relate instead to the first business day after that day.

(3) Where under subsection (2) the day of an election is postponed, the day to which it is postponed is to be treated as the day of election for the purpose of—
  (a) any provision of, or made under, this Act, or
  (b) any relevant provision (within the meaning of section 58).

(4) Any day which is not a business day is to be disregarded in computing any period of time for the purpose of section 51.

(5) In this section, "business day" means a day other than—
  a Saturday,
  a Sunday,
  Christmas Eve,
  Christmas Day,
  Good Friday,
  a bank holiday, or
  a day appointed for public thanksgiving or mourning.

Commencement Information
I62 S. 73 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

74 Elections: consequential amendments

Schedule 10 (consequential amendments relating to elections of persons as police and crime commissioners) has effect.

Commencement Information
I63 S. 74 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

75 The appropriate officer

(1) For each police area, other than the metropolitan police district, the Secretary of State must by order designate a local authority.

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(2) In this Chapter, the "appropriate officer", in relation to any such police area, means the head of paid service of the local authority designated for that police area.

(3) In this section—

"local authority" means—

(a) a district council,

(b) a county council in England for a county in which there are no district councils,

(c) the Council of the Isles of Scilly,

(d) a county council or county borough council in Wales;

"head of paid service", in relation to a council, means the person designated by the council under section 4(1)(a) of the Local Government Act 1989.

Commencement Information

I64 S. 75 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

76 Interpretation of Chapter 6

In this Chapter, the following terms have the following meanings, unless the context otherwise requires—

"appropriate officer" has the meaning given by section 75;

"elector"—

(a) in relation to an election of a police and crime commissioner, means a person entitled to vote at the election;

(b) in relation to a local government election, has the same meaning as in the Representation of the People Act 1983 (see section 202 of that Act);

"electoral area" has the same meaning as in that Act as it applies in relation to England and Wales (see section 203 of that Act);

"local government election" has the same meaning as in that Act as it applies in relation to England and Wales (see section 203 of that Act);

"local government elector" means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;

"ordinary election" has the meaning given in section 50;

"police area returning officer" has the meaning given by section 54.

Commencement Information

I65 S. 76 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
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CHAPTER 7

OTHER PROVISIONS RELATING TO POLICING AND CRIME AND DISORDER

Requirement for national policing capabilities

77 The strategic policing requirement

(1) For section 37A of the Police Act 1996 (setting of strategic priorities for police authorities), substitute—

"**37A The strategic policing requirement**

(1) The Secretary of State must, from time to time, issue a document (the "strategic policing requirement") which sets out what, in the Secretary of State's view, are—
  (a) national threats at the time the document is issued, and
  (b) appropriate national policing capabilities to counter those national threats.

(2) A chief officer of police must, in exercising the functions of chief officer, have regard to the strategic policing requirement.

(3) Before issuing the strategic policing requirement, the Secretary of State—
  (a) must obtain the advice of—
    (i) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
    (ii) such persons as appear to the Secretary of State to represent the views of local policing bodies, and
  (b) must consult such other persons as the Secretary of State thinks fit.

(4) The strategic policing requirement need not set out a national threat (in particular) if, in the Secretary of State's view, countering the threat would involve police forces other than England and Wales police forces (and only those other police forces).

(5) References in this section to national policing capabilities to counter a threat are references to the ability of all England and Wales police forces—
  (a) to exercise one or more functions to counter that threat,
  (b) to exercise one or more functions in one or more particular ways to counter that threat, or
  (c) to exercise one or more functions in accordance with common operational standards to counter that threat.

(6) In this section—

"England and Wales police force" means—
(a) a police force maintained under section 2,
(b) the metropolitan police force, and
(c) the City of London police force;

"national threat" means a threat (whether actual or prospective) which is—

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(a) a threat to national security, public safety, public order or public confidence that is of such gravity as to be of national importance, or

(b) a threat which can be countered effectively or efficiently only by national policing capabilities to counter the threat.".

Commencement Information

I66 S. 77 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(c)**

Duties and powers of Secretary of State

78 General duty of Secretary of State

The Secretary of State must exercise the powers conferred by this Part in such manner and to such extent as appears to the Secretary of State to be best calculated to promote the efficiency and effectiveness of the police.

Commencement Information

I67 S. 78 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(a)**

79 Policing protocol

(1) The Secretary of State must issue a policing protocol.

(2) Each relevant person must have regard to the policing protocol in exercising the person's functions.

(3) The Secretary of State may at any time—

(a) vary the policing protocol, or

(b) replace the policing protocol.

(4) Before varying or replacing the policing protocol, the Secretary of State must consult—

(a) such persons as appear to the Secretary of State to represent the views of elected local policing bodies,

(b) such persons as appear to the Secretary of State to represent the views of chief officers of police of police forces maintained by elected local policing bodies,

(c) such persons as appear to the Secretary of State to represent the views of police and crime panels, and

(d) such other persons as the Secretary of State thinks fit.

(5) The functions of the Secretary of State under subsections (1) and (3) are exercisable by order.

(6) In this section—

"police and crime panel" means—

(a) each police and crime panel established in accordance with Schedule 6 (police areas outside London);

(b) the London Assembly's police and crime panel (see section 32);

"policing protocol" means a document which sets out, or otherwise makes provision about, ways in which relevant persons should (in the Secretary of State's view) exercise, or refrain from exercising, functions so as to—

(a) encourage, maintain or improve working relationships (including co-operative working) between relevant persons, or

(b) limit or prevent the overlapping or conflicting exercise of functions;

"relevant persons" means—

(a) the Secretary of State in the exercise of policing functions;

(b) each elected local policing body;

(c) the chief officer of each police force maintained by an elected local policing body;

(d) police and crime panels.

Commencement Information

I68 S. 79(1)(3)-(6) in force at 31.10.2011 by S.I. 2011/2515, **art. 2(b)**

I69 S. 79(2) in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

80 Obtaining advice from representative bodies

(1) The Secretary of State may, in connection with the exercise by the Secretary of State of any function relating to the police or policing, require a representative body to give the Secretary of State advice on any matter.

(2) A requirement under subsection (1) may specify the period within which the advice is to be given.

(3) A representative body must comply with a requirement under subsection (1).

(4) In a case where—

(a) the Secretary of State makes such a request, and

(b) the representative body gives the advice (and, where applicable, does so within the period specified),

the Secretary of State must have regard to the advice in that exercise of that function.

(5) In this section "representative body" means any body which appears to the Secretary of State to represent the professional views of members of one or more police forces.

Commencement Information

I70 S. 80 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(b)**

81 Abolition of certain powers of Secretary of State

In the Police Act 1996, omit—

(a) section 38 (performance targets for police strategic priorities);

(b) section 39 (codes of practice for police authorities);

(c) section 43 (reports from police authorities to Secretary of State).

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Commencement Information

I71 S. 81(b)(c) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 9(2))

82 Suspension and removal of senior police officers

(1) The Police Act 1996 is amended as follows.

(2) Section 42 (removal of chief constables etc) is amended in accordance with subsections (3) to (11).

(3) For the title substitute " **Metropolitan police: suspension or removal of Commissioner or Deputy Commissioner** ".

(4) For subsections (1) to (1B) substitute—

"(1) The Secretary of State may require the Mayor's Office for Policing and Crime to exercise the power under section 48 of the Police Reform and Social Responsibility Act 2011 (the "2011 Act") to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign.

(1A) The Secretary of State may also require the Mayor's Office for Policing and Crime to exercise the power under section 48 of the 2011 Act to suspend the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, if the Secretary of State considers that it is necessary for the maintenance of public confidence in the metropolitan police force for that police officer to be suspended.".

(5) In subsection (2), for the words before paragraph (a) substitute—

"(2) Before requiring the Mayor's Office for Policing and Crime to exercise its power to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign, the Secretary of State shall—".

(6) In subsection (2A), for the words from "notice" (in the second place) to the end substitute " notice to the Mayor's Office for Policing and Crime. ".

(7) In subsection (3A)—

(a) in paragraph (a), for the words from ", Deputy" to "question" substitute " or Deputy Commissioner ";

(b) in paragraph (b), for the words from "Metropolitan" to "concerned" substitute " Mayor's Office for Policing and Crime ".

(8) In subsection (3B), for the words from ", Deputy" to "question" substitute " or Deputy Commissioner ".

(9) In subsection (4), for the words from ", the Deputy" to "constable" substitute " or Deputy Commissioner ".

(10) For subsection (4A) substitute—

"(4A) If the Secretary of State exercises the power conferred by subsection (1) to require the Mayor's Office for Policing and Crime to call upon the Commissioner to retire or resign—

(a) the requirement of section 48(1) of the 2011 Act to obtain the Secretary of State's consent does not apply, and

(b) section 48(5) of the 2011 Act does not apply.".

(11) Omit subsection (4C).

(12) In section 50 (regulations for police forces), after subsection (2) insert—

"(2A) Without prejudice to the generality of subsection (1) or (2), regulations under this section may make provision with respect to the procedures to be followed by police and crime commissioners, or the Mayor's Office for Policing and Crime, in exercising—

(a) powers of suspension, or

(b) powers of removal,

(whether, in the case of the Mayor's Office for Policing and Crime, on their own initiative or in compliance with a requirement imposed by the Secretary of State).

(2B) In subsection (2A)—

"power of removal" means—

(a) the power conferred on police and crime commissioners by section 38(3) of the 2011 Act to require chief constables to retire or resign;

(b) the power conferred on the Mayor's Office for Policing and Crime by section 48(3) of the 2011 Act to require the Commissioner or Deputy Commissioner of Police of the Metropolis to retire or resign;

"power of suspension" means—

(a) the power conferred on police and crime commissioners by section 38(2) of the 2011 Act to suspend chief constables;

(b) the power conferred on the Mayor's Office for Policing and Crime by section 48(1) of the 2011 Act to suspend the Commissioner or Deputy Commissioner of Police of the Metropolis;

and for this purpose "2011 Act" means the Police Reform and Social Responsibility Act 2011.".

Commencement Information

I72 S. 82(1)(12) in force at 15.12.2011 by S.I. 2011/3019, **art. 2(c)**

I73 S. 82(1)-(11) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 9(3))

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
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Her Majesty's inspectors of constabulary

83 Functions of HMIC

(1) Section 54 of the Police Act 1996 (appointment and functions of inspectors of constabulary) is amended as follows.

(2) In subsection (2) omit "to the Secretary of State".

(3) Omit subsection (2A).

(4) After subsection (2B) insert—

"(2BA) The local policing body for a police area may at any time request the inspectors of constabulary to carry out an inspection under this section of a police force maintained for that police area; and a request under this subsection may include a request for the inspection to be confined to a particular part of the force in question, to particular matters or to particular activities of that force.

(2BB) Where a local policing body requests the inspectors to carry out an inspection under subsection (2BA), the body must pay to the inspectors such reasonable costs incurred or to be incurred in connection with the inspection as the inspectors may require.".

(5) Omit subsection (2C).

(6) In subsection (4)—

(a) for "in such form as the Secretary of State may direct" substitute " on the carrying out of inspections under this section ", and

(b) for "Secretary of State" (in the third place) substitute " chief inspector ".

(7) After subsection (4) insert—

"(4A) A report under subsection (4) must include the chief inspector's assessment of the efficiency and effectiveness of policing in England and Wales for the year in respect of which the report is prepared.".

Commencement Information

I74 S. 83(1)(2)(4)-(7) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

84 HMIC reports: publication

(1) Section 55 of the Police Act 1996 (publication of reports) is amended as follows.

(2) For subsection (1) substitute—

"(1) The inspectors of constabulary must arrange for any report prepared under section 54 to be published in such manner as appears to the inspectors to be appropriate.".

(3) For subsection (2) substitute—

"(2) But the inspectors of constabulary must exclude from publication under subsection (1) anything that the inspectors consider—

(a) would be against the interests of national security, or
(b) might jeopardise the safety of any person.

(2A) The inspectors must disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).".

(4) For subsection (3) substitute—

"(3) The inspectors of constabulary must send a copy of the published report to—
(a) the Secretary of State,
(b) the local policing body maintaining the police force to which the report relates,
(c) the chief officer of police of that police force, and
(d) any police and crime panel established under section 28 of the Police Reform and Social Responsibility Act 2011 for the police area of that police force.".

(5) In subsection (4)—
(a) for "police authority" substitute " local policing body ", and
(b) for "authority" substitute " body ".

(6) In subsection (5)—
(a) for "police authority" substitute " local policing body ", and
(b) in paragraph (c) and in the words following that paragraph, for "authority" substitute " body ".

(7) In subsection (6) for "police authority" substitute " local policing body ".

(8) Omit subsection (8).

Commencement Information
I75 S. 84 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

85 Inspection programmes and frameworks

(1) Paragraph 2 of Schedule 4A to the Police Act 1996 (further provision about HMIC) is amended as follows.

(2) In sub-paragraph (1) omit ", or at such times as the Secretary of State may specify by order,".

(3) In sub-paragraph (2) for "each of those persons or bodies" substitute " the Secretary of State ".

(4) After sub-paragraph (2) insert—

"(2A) The chief inspector of constabulary must—
(a) lay before Parliament a copy of each inspection programme or inspection framework prepared under this paragraph,
(b) arrange for each such programme or framework to be published in such manner as the chief inspector thinks appropriate, and

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(c) send a copy of each such programme or framework to each of the persons or bodies listed in sub-paragraph (2)(a) to (j).

(2B) But the chief inspector of constabulary must obtain the approval of the Secretary of State to the inspection programme or framework in question before acting under sub-paragraph (2A).”.

(5) In sub-paragraph (3)—

(a) before “to send” insert “ under sub-paragraph (2A)(c) ”, and

(b) for “that sub-paragraph” substitute “ sub-paragraph (2) ”.

(6) Omit sub-paragraph (4).

(7) Before sub-paragraph (5) insert—

“(4A) The Secretary of State may by order specify matters to which the chief inspector of constabulary must have regard in preparing an inspection programme or an inspection framework.

(4B) Those matters may (in particular) include the need to secure, so far as possible, the following objectives—

(a) that any requirements placed on police forces as a result of inspections carried out under section 54 are not unduly burdensome; and

(b) that inspections under that section can be carried out promptly in response to matters that raise issues of national importance in relation to the police.

(4C) For the purposes of sub-paragraph (4B)(b), the Secretary of State may issue guidance as to the matters that raise issues of national importance in relation to the police; and the chief inspector of constabulary must have regard to any such guidance in preparing an inspection programme or an inspection framework.”.

Commencement Information

I76 S. 85 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

86 Powers in connection with HMIC inspections

(1) In Schedule 4A to the Police Act 1996 (further provision about HMIC), after paragraph 6 insert—

“**Powers of inspectors regarding information etc**

6A (1) The chief officer of police of a police force must—

(a) provide to an inspector such information and documents specified or described in a notification given by the inspector to that chief officer, and

(b) produce or deliver up to the inspector all such evidence and other things so specified or described,

as appear to the inspector to be required for the purposes of an inspection under section 54.

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(2) A notification under sub-paragraph (1) requiring any information or documents to be provided may authorise or require that they be provided electronically.

(3) Anything that a chief officer is obliged to provide, produce or deliver up by virtue of a requirement imposed under sub-paragraph (1) must be provided, produced or delivered up in such form and manner, and within such period, as may be specified—

(a) in the notification imposing the requirement, or

(b) in any subsequent notification given by the inspector to the chief officer.

(4) Nothing in this paragraph requires a chief officer—

(a) to comply with an obligation imposed under sub-paragraph (1) before the earliest time at which it is practicable to do so, or

(b) to comply at all with any such obligation if it never becomes practicable to do so.

(5) In this paragraph—

"document" means anything in which information of any description is recorded, and

"inspector" means—

(a) an inspector of constabulary, or

(b) a person appointed under section 56 as an assistant inspector of constabulary or staff officer to the inspectors of constabulary.

Powers of inspectors regarding access to police premises

6B (1) Sub-paragraph (2) applies if—

(a) an inspector requires the chief officer of police of a police force to allow the inspector to have access to any premises occupied for the purposes of that force and to documents and other things on those premises, and

(b) the requirement is imposed for the purposes of an inspection under section 54.

(2) The chief officer must secure that the required access is allowed to the inspector.

(3) Where there are reasonable grounds for not allowing the inspector to have the required access at the time at which the inspector seeks to have it, the obligation under sub-paragraph (2) has effect as an obligation to secure that the required access is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be any such grounds.

(4) In this paragraph "document" and "inspector" have the same meanings as in paragraph 6A.".

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Commencement Information
I77 S. 86 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

87 HMIC and freedom of information

In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert—"The chief inspector of constabulary appointed under section 54(1) of the Police Act 1996.".

Commencement Information
I78 S. 87 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Community safety partnerships

88 Crime and disorder strategies

Schedule 11 (which contains amendments to sections 5 to 7 of the Crime and Disorder Act 1998 in relation to the formulation and implementation of crime and disorder strategies) has effect.

Commencement Information
I79 S. 88 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Policing in England and Wales

89 Collaboration agreements

(1) The Police Act 1996 is amended in accordance with subsections (2) and (3).

(2) After section 22 insert—

"**22A Collaboration agreements**

(1) A collaboration agreement may be made by—
  (a) two or more policing bodies; or
  (b) the chief officers of police of one or more police forces and two or more policing bodies.

(2) A collaboration agreement is an agreement containing one or more of the following—
  (a) provision about the discharge of functions of members of a police force ("force collaboration provision");
  (b) provision about support by a policing body for another policing body ("policing body collaboration provision");

(c) provision about support by a policing body for the police force which another policing body is responsible for maintaining ("policing body & force collaboration provision").

(3) A collaboration agreement may not contain force collaboration provision unless the parties to the agreement consist of, or include,—
(a) the chief officer of police of each police force to which the provision relates, and
(b) the policing body that is responsible for maintaining each such police force.

(4) A collaboration agreement may not contain policing body collaboration provision unless the parties to the agreement consist of, or include, each policing body to which the provision relates.

(5) A collaboration agreement may not contain policing body & force collaboration provision unless the parties to the agreement consist of, or include—
(a) the policing body, or each policing body, to which the provision relates;
(b) the chief officer of police of the police force, or each police force, to which the provision relates; and
(c) the policing body that is responsible for maintaining each such police force.

(6) Subsection (1) does not prevent other persons from being parties to collaboration agreements.

(7) Subsection (2) does not prevent a collaboration agreement from including other kinds of provision.

(8) For the purposes of subsections (3) and (5), the circumstances in which force collaboration provision, or policing body & force collaboration provision, is to be taken to relate to a police force include the cases where provision relates—
(a) to functions of a kind which are or may be exercisable by members of that police force, or
(b) to the police area for which that police force is established.

(9) For the purposes of subsections (4) and (5), the circumstances in which policing body collaboration provision, or policing body & force collaboration provision, is to be taken to relate to a policing body include the cases where provision relates—
(a) to functions of a kind which are or may be exercisable by that policing body or members of the staff of that body, or
(b) to the police area for which that policing body is established.

22B Duty of chief officers to keep collaboration agreements under review

(1) The chief officer of police of a police force must keep under consideration the ways in which the collaboration functions could be exercised by the chief officer and by one or more other persons to improve the efficiency or effectiveness of—
(a) that police force, and

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(b) one or more other police forces.

(2) If the chief officer considers that there is a particular way in which the collaboration functions could be so exercised by the chief officer and by one or more other particular persons ("the proposed collaboration"), the chief officer must notify those other persons (the "proposed partners") of the proposed collaboration.

(3) The chief officer, and the proposed partners notified under subsection (2) (the "notified proposed partners"), must consider whether to exercise the collaboration functions to give effect to the proposed collaboration.

(4) In considering whether to so exercise the collaboration functions, the chief officer and the notified proposed partners must consider whether the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more police forces.

(5) Subsection (6) applies if all, or two or more, of—

(a) the chief officer, and

(b) the notified proposed partners,

(the "agreeing parties") are of the view that the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more police forces (if the agreeing parties were to exercise the collaboration functions to give effect to the proposed collaboration, or to give effect to it so far as it relates to them).

(6) The agreeing parties must exercise the collaboration functions so as to give effect to the proposed collaboration or to give effect to it so far as it relates to them.

(7) In this section "collaboration functions" means functions of chief officers of police or policing bodies under any of sections 22A to 23I (apart from this section).

22C Duty of policing bodies to keep collaboration agreements under review

(1) A policing body must keep under consideration the ways in which the collaboration functions could be exercised by the policing body and by one or more other persons to improve—

(a) the efficiency or effectiveness of—

(i) that policing body,

(ii) the police force which that policing body is responsible for maintaining, or

(iii) that body and that force, and

(b) the efficiency or effectiveness of one or more other policing bodies and police forces.

(2) If the policing body considers that there is a particular way in which the collaboration functions could be so exercised by the policing body and by one or more other particular persons ("the proposed collaboration"), the policing body must notify those other persons (the "proposed partners") of the proposed collaboration.

(3) The policing body, and the proposed partners notified under subsection (2) (the "notified proposed partners"), must consider whether to exercise the collaboration functions to give effect to the proposed collaboration.

(4) In considering whether to so exercise the collaboration functions, the policing body and the notified proposed partners must consider whether the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more policing bodies or police forces.

(5) Subsection (6) applies if all, or two or more, of—

(a) the policing body, and

(b) the notified proposed partners,

(the "agreeing parties") are of the view that the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more policing bodies or police forces (if the agreeing parties were to exercise the collaboration functions to give effect to the proposed collaboration, or to give effect to it so far as it relates to them).

(6) The agreeing parties must exercise the collaboration functions so as to give effect to the proposed collaboration, or to give effect to it so far as it relates to them.

(7) In this section "collaboration functions" means functions of policing bodies or chief officers of police under any of sections 22A to 23I (apart from this section).".

(3) After section 23F insert—

"**23FA Police functions that must be the subject of force collaboration provision**

(1) The Secretary of State may, by order, require a specified police function to be exercised in relation to—

(a) all police areas, or

(b) all police areas apart from any specified in the order,

in accordance with police collaboration provision.

(2) An order under this section may specify whether the specified police function is required to be exercised in relation to the specified police areas in accordance with police collaboration provision contained in—

(a) a single collaboration agreement which relates to all of those police areas, or

(b) a number of collaboration agreements which, between them, relate to all of those police areas.

(3) Provision under subsection (2)(b) need not specify a particular number of collaboration agreements.

(4) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(5) If, but for this subsection, an instrument containing an order under this section would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

(6) In this section "specified" means specified in an order under this section.".

(4) Schedule 12 (collaboration agreements) has effect.

Commencement Information
I80 S. 89 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

90 Police powers for civilian employees under collaboration agreements

Schedule 13 (police powers for civilian employees under collaboration agreements) has effect.

Commencement Information
I81 S. 90 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

91 Power to give directions

(1) The Police Act 1996 is amended as follows.

(2) In section 40 (powers to give directions in relation to police force), for "police authority" (in each place) substitute " local policing body ".

(3) In section 40A (powers to give directions in relation to police authority)—
- (a) for "police authority" (in each place, including in the title) substitute " local policing body ";
- (b) for "the authority" substitute " the local policing body ".

(4) In section 40B (procedure for directions under section 40 or 40A)—
- (a) for subsection (2)(a) substitute—
  - "(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
  - (aa) the Mayor's Office for Policing and Crime;
  - (ab) the Common Council;";
- (b) in subsection (5), for "police authority" substitute " local policing body ".

Commencement Information
I82 S. 91 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 3)

92 Provision of information by chief officers of police

In the Police Act 1996, for section 44 (reports from chief constables) and section 45 (criminal statistics) substitute—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

"**44 Provision of information by chief officers of police**

(1) The Secretary of State may require a chief officer of police of any police force to provide the Secretary of State with information on such matters as may be specified in the requirement, being matters connected with—
  (a) the policing of the police area for which that police force is maintained, or
  (b) the discharge of the national or international functions of that police force.

(2) A requirement under subsection (1) may, in particular, specify information in the form of statistical data, being data connected with—
  (a) the policing of that police area, or
  (b) the discharge of the national or international functions of the police force for that area.

(3) A requirement under subsection (1) may specify the form in which information is to be provided.

(4) The Secretary of State may require a chief officer to publish, in such manner as appears to the Secretary of State to be appropriate, information provided in accordance with a requirement under subsection (1).

(5) The Secretary of State may cause a consolidated and classified abstract of any information in the form of statistical data that is provided in accordance with subsection (1) to be prepared and laid before Parliament.".

Commencement Information
I83 S. 92 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

93 Regulations about provision of equipment

(1) Section 53 of the Police Act 1996 (regulations as to standard of equipment) is amended as follows.

(2) In the title, after "**standard**" insert " **and provision** ".

(3) After subsection (1A) insert—

"(1AA) The Secretary of State may, by regulations, make provision about the arrangements which must be, may be, or must not be, used for the provision of equipment for use for police purposes.

(1AB) The regulations may, in particular—
  (a) make provision about the nature or terms of such arrangements, or
  (b) prescribe arrangements which may be, or must be, used."

(4) In subsection (1B), after "subsection (1A)" insert " or (1AA) ".

(5) In subsection (2), for paragraph (a) substitute—
  "(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

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(aa) the Mayor's Office for Policing and Crime;
(ab) the Common Council;".

Commencement Information
I84 S. 93 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 4)

94 National and international functions

(1) Section 96A of the Police Act 1996 (national and international functions of the metropolitan police) is amended in accordance with subsections (2) to (6).

(2) In the title, after "**police**" insert " **force and other police forces** ".

(3) For subsection (1) substitute—

"(1) The Secretary of State and the Mayor's Office for Policing and Crime may enter into agreements with respect to the level of performance to be achieved by the metropolitan police force in respect of any of its national or international functions.

(1A) The Secretary of State and the police and crime commissioner that maintains a police force may enter into agreements with respect to the level of performance to be achieved by the police force in respect of any of its national or international functions.

(1B) The Secretary of State and the Common Council may enter into agreements with respect to the level of performance to be achieved by the City of London police force in respect of any of its national or international functions.".

(4) In subsection (2)—
(a) for "the metropolitan police force" substitute " a police force ";
(b) for "Metropolitan Police Authority" substitute " local policing body ".

(5) In subsection (3), for "The Metropolitan Police Authority" substitute " A local policing body ".

(6) Omit subsection (4).

(7) Omit section 96B of the Police Act 1996 (national and international functions: application of requirements relating to reports etc).

Commencement Information
I85 S. 94 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 5)

Police: complaints

95 Police: complaints

Schedule 14 (police: complaints) has effect.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information

I86 S. 95 in force at 15.11.2011 for specified purposes by S.I. 2011/2515, **art. 3(c)**

I87 S. 95 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

CHAPTER 8

MISCELLANEOUS PROVISIONS

96 Interpretation of Police Act 1996

(1) Section 101 of the Police Act 1996 (interpretation) is amended as follows.

(2) In subsection (1)—

(a) after the definition of "City of London police area" insert—

> ""Common Council" means the Common Council of the City of London in its capacity as police authority for the City of London police area;
>
> "elected local policing body" means—
>
> (a) a police and crime commissioner;
>
> (b) the Mayor's Office for Policing and Crime;
>
> "local policing body" means—
>
> (a) a police and crime commissioner (in relation to a police area listed in Schedule 1);
>
> (b) the Mayor's Office for Policing and Crime (in relation to the metropolitan police district);
>
> (c) the Common Council (in relation to the City of London police area);
>
> "Mayor's Office for Policing and Crime" means the body established under section 3 of the Police Reform and Social Responsibility Act 2011;";

(b) after the definition of "metropolitan police district" insert—

> ""national or international functions" means functions relating to—
>
> (a) the protection of prominent persons or their residences,
>
> (b) national security,
>
> (c) counter-terrorism, or
>
> (d) the provision of services for any other national or international purpose;
>
> "police and crime commissioner" means a body established under section 1 of the Police Reform and Social Responsibility Act 2011;";

(c) omit the definition of "police authority";

(d) in the definition of "police force", for "police authority" substitute " local policing body ";

(e) in the definition of "police fund", for paragraph (a) substitute—

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"(a) in relation to a police area for which there is an elected local policing body, the fund kept by that body under section 21 of the Police Reform and Social Responsibility Act 2011;".

(3) After subsection (2) insert—

"(3) References in this Act to the staff of a police and crime commissioner, or to the staff of the Mayor's Office for Policing and Crime, have the same meaning as in the Police Reform and Social Responsibility Act 2011.".

Commencement Information

I88 S. 96 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 10(2))

97 Amendments of the Interpretation Act 1978

(1) Schedule 1 to the Interpretation Act 1978 (words and expressions defined) is amended as follows.

(2) After the entry for "Local land charges register" insert—

""Local policing body" has the meaning given by section 101(1) of the Police Act 1996.".

(3) After the entry for "Person" insert—

""Police and crime commissioner" means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.".

(4) In the entry that begins "Police area", omit ", police authority".

(5) After the entry that begins "Police Area" insert—

""Police authority", in relation to Scotland, has the meaning or effect described by sections 50 and 51(4) of the Police (Scotland) Act 1967.".

Commencement Information

I89 S. 97(1)(2)(4)(5) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

98 Police reform: transitional provision

Schedule 15 (police reform: transitional provision) has effect.

Commencement Information

I90 S. 98 in force at 31.10.2011 for specified purposes by S.I. 2011/2515, **art. 2(c)**

I91 S. 98 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

99 Police reform: minor and consequential amendments

Schedule 16 (police reform: minor and consequential amendments) has effect.

Commencement Information
I92 S. 99 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

100 Guidance

Any guidance under this Part—
(a) must be in writing;
(b) may be varied or revoked by further guidance;
(c) may be given to one or more particular persons, or generally;
(d) may make provision generally or in relation to specific cases; and
(e) may make different provision for different cases.

Commencement Information
I93 S. 100 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

101 Crime and disorder reduction

(1) A reference to crime and disorder reduction is a reference to—
(a) reduction of crime and disorder (including anti-social and other behaviour adversely affecting the local environment),
(b) combating the misuse of drugs, alcohol and other substances, and
(c) reduction of re-offending.

(2) In this section "anti-social behaviour" means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person.

(3) This section applies for the purposes of this Part.

Commencement Information
I94 S. 101 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

102 Interpretation of Part 1

(1) In this Part (unless otherwise specified)—
"chief executive" means—
(a) in relation to a police and crime commissioner, the chief executive appointed by the commissioner under Schedule 1;
(b) in relation to the Mayor's Office for Policing and Crime, the chief executive appointed by the Office under Schedule 3;
"chief finance officer" means—

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(a) in relation to a police and crime commissioner, the chief finance officer appointed by the commissioner under Schedule 1;
(b) in relation to the chief constable of a police force to which Chapter 1 applies, the chief finance officer appointed by the chief constable under Schedule 2;
(c) in relation to the Mayor's Office for Policing and Crime, the chief finance officer appointed by the Office under Schedule 3;
(d) in relation to the Commissioner of Police of the Metropolis, the chief finance officer appointed by the Commissioner under Schedule 4;

"chief officer of police" means—
(a) in relation to a police force maintained under section 2 of the Police Act 1996, the chief constable of that force;
(b) in relation to the metropolitan police force, the Commissioner of Police of the Metropolis;

"crime and disorder reduction" has the meaning given in section 101;

"elected local policing body" means—
(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police and crime commissioner for the area;
(b) in relation to the metropolitan police district, the Mayor's Office for Policing and Crime;

"national or international functions" means functions relating to—
(a) the protection of prominent persons or their residences,
(b) national security,
(c) counter-terrorism, or
(d) the provision of services for any other national or international purpose;

"police and crime panel" means—
(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police and crime panel referred to in subsection (1) of section 28;
(b) in relation to the metropolitan police district, the committee established under section 32;

"police and crime plan" has the meaning given in section 7;

"police area" means—
(a) a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London), and
(b) the metropolitan police district;

"relevant chief officer of police", in relation to—
(a) a police area,
(b) the police force for a police area,
(c) the elected local policing body for a police area, or
(d) the police and crime panel for a police area,

means the chief officer of police of the police force for that area;

"relevant elected local policing body", in relation to—
(a) a police area,
(b) the police force for a police area,
(c) the chief officer of police of the police force for a police area, or
(d) the police and crime panel for a police area,

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means the elected local policing body for that area;

"relevant police and crime panel", in relation to—

(a) a police area,
(b) the police force for a police area,
(c) the chief officer of police of the police force for a police area, or
(d) the elected local policing body for a police area,

means the police and crime panel for that area;

"relevant police force", in relation to—

(a) a police area,
(b) a chief officer of police of the police force for a police area,
(c) the elected local policing body for a police area, or
(d) the police and crime panel for a police area,

means the police force for that area.

(2) References in this Part to a police and crime commissioner's area are references to the police area for which the commissioner is established.

(3) References in this Part to a police and crime commissioner's staff are references to the following persons appointed under Schedule 1—
   (a) the commissioner's chief executive;
   (b) the commissioner's chief finance officer; and
   (c) other staff;

   and to the person (if any) appointed as the deputy police and crime commissioner under section 18.

(4) References in this Part to a police force's civilian staff are (except in the case of the metropolitan police force) references to—
   (a) the chief finance officer appointed by the chief constable of the force under paragraph 4 of Schedule 2, and
   (b) the other staff appointed by that chief constable under that Schedule.

(5) References in this Part to the staff of the Mayor's Office for Policing and Crime are references to—
   (a) the Office's chief finance officer appointed under section 127(2) of the Greater London Authority Act 1999;
   (b) the Office's chief executive appointed under Schedule 3;
   (c) other staff appointed under Schedule 3; and
   (d) the person (if any) appointed under section 19 as the Deputy Mayor for Policing and Crime (subject to paragraph 4(4) of Schedule 3 (Deputy Mayor an Assembly member)).

(6) References in this Part to the metropolitan police force's civilian staff are references to—
   (a) the chief finance officer appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4, and
   (b) the other staff appointed by the Commissioner under that Schedule.

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Commencement Information
I95 S. 102(1)(4)(5)(6) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with arts. 7(2), 10(3))

PART 2

LICENSING

CHAPTER 1

AMENDMENTS OF THE LICENSING ACT 2003

Responsible authorities

103 Licensing authorities as responsible authorities

(1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).

(2) In section 13(4) (responsible authorities)—

(a) before paragraph (a) insert—

"(za) the relevant licensing authority and any other licensing authority in whose area part of the premises is situated,", and

(b) omit paragraph (g).

(3) In section 69(4) (responsible authorities)—

(a) before paragraph (a) insert—

"(za) the relevant licensing authority and any other licensing authority in whose area part of the premises is situated,", and

(b) omit paragraph (g).

(4) The amendments made by this section apply in relation to—

(a) applications relating to premises licences or club premises certificates that are made on or after the commencement of this section, and

(b) notices under section 165(4) of the Licensing Act 2003 (closure orders) that are received by a licensing authority on or after the commencement of this section.

Commencement Information
I96 S. 103 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

104 Primary Care Trusts and Local Health Boards as responsible authorities

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (4).

(2) In section 5(3) (statement of licensing policy), after paragraph (b) insert—

"(ba) each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority's area,".

(3) In section 13(4) (authorised persons, interested parties and responsible authorities), after paragraph (b) insert—

"(ba) the Primary Care Trust or Local Health Board for any area in which the premises are situated,".

(4) In section 69(4) (authorised persons, interested parties and responsible authorities), after paragraph (b) insert—

"(ba) the Primary Care Trust or Local Health Board for any area in which the premises are situated,".

(5) The amendments made by this section apply in relation to—

(a) applications relating to premises licences or club premises certificates that are made on or after the commencement of this section, and

(b) notices under section 165(4) of the Licensing Act 2003 (closure orders) that are received by a licensing authority on or after that commencement.

Commencement Information

I97 S. 104 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

Removing the vicinity test

105 Premises licences: who may make relevant representations

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (9).

(2) In section 13 (authorised persons, interested parties and responsible authorities)—

(a) in the title, omit ", interested parties",

(b) in subsection (1), omit " "interested party"," , and

(c) omit subsection (3).

(3) In section 17(5) (application for premises licence)—

(a) in paragraph (a)(ii), for "interested parties" substitute " persons who live, or are involved in a business, in the relevant licensing authority's area and who are ",

(b) after paragraph (a) insert—

"(aa) require the relevant licensing authority to advertise the application within the prescribed period—

(i) in the prescribed form, and

(ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and", and"

(c) in paragraph (c), for "interested parties and responsible authorities" substitute " responsible authorities and other persons ".

(4) In section 18(7) (determination of application for premises licence)—

(a) in paragraph (a), for "an interested party or responsible authority" substitute " a responsible authority or other person ", and

(b) in paragraph (c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ".

(5) In section 31(6) (determination of application for provisional statement)—

(a) in paragraph (a), for "an interested party or responsible authority" substitute " a responsible authority or other person ", and

(b) in paragraph (c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ".

(6) In section 35(6) (determination of application to vary premises licence)—

(a) in paragraph (a), for "an interested party or responsible authority" substitute " a responsible authority or other person ", and

(b) in paragraph (c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ".

(7) In section 41B(2)(b)(ii) (determination of application for minor variation of premises licence), for "an interested party" substitute " any other person ".

(8) In section 41D(6) (variation of premises licence: supply of alcohol from community premises), for paragraph (b) substitute—

"(b) subsection (6)(c) were omitted.".

(9) In section 194 (index of defined expressions), omit the entry for the expression "interested party, in Part 3".

(10) In section 33 of the Policing and Crime Act 2009 (individual members of licensing authorities to be interested parties), omit subsection (1).

(11) The amendments made by this section apply in relation to applications relating to premises licences that are made on or after the commencement of this section.

Commencement Information

I98 S. 105(1)(3) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(a)**

I99 S. 105(1)(3) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**

I100 S. 105(2)(4)-(11) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

106 Premises licences: who may apply for review

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (6).

(2) In section 51 (application for review of premises licences)—

(a) in subsection (1), for "an interested party or a responsible authority" substitute " a responsible authority or any other person ", and

(b) in subsection (3)—

(i) in paragraph (b), for "interested parties and responsible authorities" substitute " responsible authorities and other persons ", and

(ii) in paragraph (c), for "interested party" substitute " other person ".

(3) In section 52(8) (determination of application for review of premises licence)—

(a) in paragraph (a)(i), for "an interested party" substitute " any other person ", and

(b) in paragraph (c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ".

(4) In section 53A(3) (summary reviews on application of senior police officer)—
- (a) in paragraph (c), for "interested parties" substitute " other persons ", and
- (b) in paragraph (e), for "interested party" substitute " other person ".

(5) In section 53C(8) (review of premises licence following summary review notice)—
- (a) in paragraph (a), for "an interested party" substitute " any other person ", and
- (b) in paragraph (c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ".

(6) In section 167 (review of premises licence following closure order)—
- (a) in subsection (4)(b), for "interested parties" substitute " other persons ",
- (b) in subsection (4)(c), for "interested party" substitute " other person ",
- (c) in subsection (10)(a), for "an interested party" substitute " any other person ",
- (d) in subsection (10)(c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ", and
- (e) in subsection (14), for " "interested party" and "responsible authority" have" substitute " "responsible authority" has".

(7) The amendments made by this section apply in relation to applications for review that are made on or after the commencement of this section.

Commencement Information

I101 S. 106(1)(2)(4)(6) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(b)**
I102 S. 106(1)(2)(4)(6) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**
I103 S. 106(3)(5)(7) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

107 Club premises certificates: who may make relevant representations

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (7).

(2) In section 69 (authorised persons, interested parties and responsible authorities)—
- (a) in the title, omit ", interested parties",
- (b) in subsection (1), omit " "interested party",", and
- (c) omit subsection (3).

(3) In section 71(6) (application for club premises certificate)—
- (a) in paragraph (a)(ii), for "interested parties" substitute " persons who live, or are involved in a business, in the relevant licensing authority's area and who are ",
- (b) after paragraph (a) insert—
  - "(aa) require the relevant licensing authority to advertise the application within the prescribed period—
    - (i) in the prescribed form, and
    - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and", and"
- (c) in paragraph (c), for "interested parties and responsible authorities" substitute " responsible authorities and other persons ".

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(4) In section 72(8) (determination of application for club premises certificate)—

(a) in paragraph (a), for "an interested party or responsible authority" substitute " a responsible authority or other person ", and

(b) in paragraph (c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ".

(5) In section 85(6) (determination of application to vary club premises certificate)—

(a) in paragraph (a), for "an interested party or responsible authority" substitute " a responsible authority or other person ", and

(b) in paragraph (c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ".

(6) In section 86B(2)(b)(ii) (determination of application for minor variation of club premises certificate), for "an interested party" substitute " any other person ".

(7) In section 194 (index of defined expressions), omit the entry for the expression "interested party, in Part 4".

(8) In section 33 of the Policing and Crime Act 2009 (individual members of licensing authorities to be interested parties), omit subsection (2).

(9) The amendments made by this section apply in relation to applications relating to club premises certificates that are made on or after the commencement of this section.

Commencement Information

I104 S. 107(1)(3) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(c)**

I105 S. 107(1)(3) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**

I106 S. 107(2)(4)-(9) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

108 Club premises certificates: who may apply for review

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (4).

(2) In section 87 (application for review of club premises certificate), for subsection (1) substitute—

"(1) Where a club holds a club premises certificate, a responsible authority or any other person may apply to the relevant licensing authority for a review of the certificate.".

(3) In section 87(3) (application for review of club premises certificate)—

(a) in paragraph (b), after "to the authority" insert " by the club, responsible authorities and other persons ", and

(b) in paragraph (c), for "interested party" substitute " other person ".

(4) In section 88(8) (determination of application for review of club premises certificate)—

(a) in paragraph (a), for "an interested party" substitute " any other person ", and

(b) in paragraph (c), for "an interested party (who is not also a responsible authority)" substitute " a person who is not a responsible authority ".

(5) The amendments made by this section apply in relation to applications for review that are made on or after the commencement of this section.

Commencement Information

I107 S. 108(1)(3) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(d)**

I108 S. 108(1)(3) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**

I109 S. 108(2)(4)(5) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

Reducing the evidential burden on licensing authorities

109 Reducing the burden: premises licences

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (14).

(2) In section 18 (determination of application for premises licence)—
  (a) in subsection (3)(b), for "necessary" substitute " appropriate ", and
  (b) in subsection (4)(a)(i), for "necessary" substitute " appropriate ".

(3) In section 22(2) (prohibited conditions: plays), for "necessary" substitute " appropriate ".

(4) In section 25A(6) (grant of premises licence: supply of alcohol from community premises), for "necessary" substitute " appropriate ".

(5) In section 31 (determination of application for provisional statement)—
  (a) in subsection (3)(b), for "necessary" substitute " appropriate ", and
  (b) in subsection (3)(c)(ii), for "necessary" substitute " appropriate ".

(6) In section 35(3)(b) (determination of application to vary premises licence), for "necessary" substitute " appropriate ".

(7) In section 39(3)(b) (determination of application to vary premises licence to specify premises supervisor), for "necessary" substitute " appropriate ".

(8) In section 41D(5) (variation of premises licence: supply of alcohol from community premises), for "necessary" substitute " appropriate ".

(9) In section 44(5)(b) (determination of transfer application), for "necessary" substitute " appropriate ".

(10) In section 48(3)(b) (cancellation of interim authority notice following police objections), for "necessary" substitute " appropriate ".

(11) In section 52(3) (determination of application for review of premises licence), for "necessary" substitute " appropriate ".

(12) In section 53B(8)(a) (supplementary provision about review of premises licence), for "necessary" substitute " appropriate ".

(13) In section 53C(2)(b) (review of premises licence following review notice), for "necessary" substitute " appropriate ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(14) In section 177(5) (dancing and live music in certain small premises), for "necessary" substitute " appropriate ".

(15) The amendments made by this section (other than subsection (10)) apply in relation to applications relating to premises licences that are made on or after the commencement of this section.

(16) The amendment made by subsection (10) of this section applies in relation to interim authority notices that are given on or after the commencement of this section.

Commencement Information

I110 S. 109 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

110 Reducing the burden: club premises certificates

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (5).

(2) In section 72 (determination of application for club premises certificate)—

(a) in subsection (3)(b), for "necessary" substitute " appropriate ", and

(b) in subsection (4)(a)(i), for "necessary" substitute " appropriate ".

(3) In section 76(2) (prohibited conditions: plays), for "necessary" substitute " appropriate ".

(4) In section 85(3)(b) (determination of application to vary club premises certificate), for "necessary" substitute " appropriate ".

(5) In section 88(3) (determination of application for review of club premises certificate), for "necessary" substitute " appropriate ".

(6) The amendments made by this section apply in relation to applications relating to club premises certificates that are made on or after the commencement of this section.

Commencement Information

I111 S. 110 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

111 Reducing the burden: other situations

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (6).

(2) In section 105(2)(b) (counter notice following police objection), for "necessary" substitute " appropriate ".

(3) In section 120(7)(b)(i) (determination of application for grant of personal licence), for "necessary" substitute " appropriate ".

(4) In section 121(6)(b)(i) (determination of application for renewal of personal licence), for "necessary" substitute " appropriate ".

(5) In section 124(4)(b) (convictions coming to light after grant or renewal of personal licence), for "necessary" substitute " appropriate ".

(6) In section 167(5)(b) (review of premises licence following closure order), for "necessary" substitute " appropriate ".

(7) The amendment made by subsection (2) of this section applies in relation to temporary event notices that are given on or after the commencement of this section.

(8) The amendments made by subsections (3) to (5) of this section apply in relation to applications relating to personal licences that are made on or after the commencement of this section.

(9) The amendment made by subsection (6) of this section applies in relation to notices under section 165(4) of the Licensing Act 2003 (closure orders) that are received by a licensing authority on or after the commencement of this section.

Commencement Information
I112 S. 111 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

Temporary event notices

112 Temporary event notices: who may make an objection

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (13).

(2) After section 99, insert—

"**99A Meaning of "relevant person"**

In this Part references to a "relevant person", in relation to any premises, are references to the following—

(a) the chief officer of police for any police area in which the premises are situated,

(b) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.".

(3) In the cross-heading before section 104, for "Police objections" substitute " Objections ".

(4) In the title to section 104 (objection to notice), for "the police" substitute " a relevant person ".

(5) In section 104 (objection to notice), for subsection (2) substitute—

"(2) Where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an "objection notice")—

(a) to the relevant licensing authority,

(b) to the premises user, and

(c) to every other relevant person.".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(6) In section 104(3) (timing for objection), for "chief officer of police" substitute " relevant person ".

(7) In section 104(4) (timing for objection), for "relevant chief officer of police" substitute " relevant person ".

(8) Omit section 104(5) (definition of "relevant chief officer of police").

(9) In section 105 (counter notice following objection)—

(a) in the title, omit "police",

(b) in subsection (2)(a), for "chief officer of police" substitute " relevant person ",

(c) in subsection (2)(b), for "the crime prevention objective" substitute " a licensing objective ",

(d) in subsection (3)(a), for "the relevant chief officer of police" substitute " each relevant person ", and

(e) in subsection (3)(b)(ii), for "the relevant chief officer of police" substitute " each relevant person ".

(10) In section 106 (modification of notice following objection)—

(a) in the title, omit "police",

(b) in subsection (1), for "chief officer of police" substitute " relevant person ",

(c) in subsection (2)—

(i) for "chief officer of police" substitute " relevant person ", and

(ii) after "of the premises user" insert " and each other relevant person ",

(d) in subsection (4), for "chief officer of police" substitute " relevant person ", and

(e) omit subsection (5).

(11) In section 107(11) (counter notice where permitted limits exceeded), for the words following "that notice" substitute " to each relevant person ".

(12) In section 194 (index of defined expressions), after the entry for the expression "relevant offence" insert—

"relevant person, in Part 5	section 99A".

(13) In Schedule 5 (appeals)—

(a) in paragraph 16(1)(b), for "chief officer of police" substitute " relevant person ",

(b) in paragraph 16(3), for "chief officer of police" substitute " relevant person ",

(c) in paragraph 16(8), in the definition of "objection notice", omit "and",

(d) in paragraph 16(8), at the end of the definition of "relevant licensing authority" insert "; and

relevant person" has the meaning given in section 99A.".

(14) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

Commencement Information
I113 S. 112 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

113 Temporary event notices: conditions

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (5).

(2) In section 98(1) (meaning of "permitted temporary activity"), for paragraph (a) substitute—

"(a) it is carried out in accordance with—

(i) a notice given in accordance with section 100, and

(ii) any conditions imposed under section 106A, and".

(3) After section 106 insert—

"**106A Conditions on standard temporary event notice following objection**

(1) This section applies where—

(a) a relevant person has given an objection notice under section 104(2) in respect of a standard temporary event notice,

(b) the objection notice has not been withdrawn, and

(c) the relevant licensing authority has decided under section 105 not to give a counter notice under that section.

(2) The relevant licensing authority may impose one or more conditions on the standard temporary event notice if—

(a) the authority considers it appropriate for the promotion of the licensing objectives to do so,

(b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and

(c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

(3) Where the authority decides to impose one or more conditions under subsection (2)—

(a) the authority must give the premises user notice of the decision,

(b) the notice must be accompanied by a separate statement (the "statement of conditions") which sets out the conditions that have been imposed on the temporary event notice, and

(c) a copy of the notice and statement of conditions must be given to each relevant party.

(4) The notice and statement of conditions under subsection (3) must—

(a) be in the prescribed form,

(b) be given to the premises user in the prescribed manner, and

(c) be given no later than 24 hours before the beginning of the event period specified in the temporary event notice.

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(5) Where the premises are situated in the area of more than one licensing authority, the functions conferred on the relevant licensing authority by subsection (2) must be exercised by those authorities jointly.”.

(4) In section 109 (duty to keep and produce temporary event notice)—

(a) in the title, after “notice” insert “ and statement of conditions ”,

(b) in subsection (2)(a), after “notice” insert “ , together with a copy of any statement of conditions given under section 106A(3) in respect of the notice ”,

(c) in subsection (3)(a), after “notice” insert “ , together with a copy of any statement of conditions given under section 106A(3) in respect of the notice ”,

(d) in subsection (3)(b), for “notice is” substitute “ notice and any statement of conditions are ”,

(e) in subsection (5)(a), after “notice” insert “ or any statement of conditions ”,

(f) in subsection (5), after “produce the temporary event notice” insert “ or statement of conditions ”,

(g) in subsection (6), after “produce the temporary event notice” insert “ or statement of conditions ”, and

(h) in subsection (8), after “notice” insert “ or statement of conditions ”.

(5) In section 110 (theft, loss, etc. of temporary event notice)—

(a) in the title, after “notice” insert “ or statement of conditions ”,

(b) after subsection (1) insert—

“(1A) Where a statement of conditions that is given under section 106A(3) is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority which gave the statement for a copy of the statement.”,

(c) in subsection (4), after “copy of the notice” insert “ or statement ”,

(d) in subsection (4)(a), after “notice” insert “ or statement ”,

(e) in subsection (5), after “notice” insert “ or statement ”, and

(f) in subsection (6), after “notice” insert “ or statement ”.

(6) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

Commencement Information

I114 S. 113(1)(3) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(e)**

I115 S. 113(1)(3) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**

I116 S. 113(2)(4)-(6) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

114 Temporary event notices: late notices

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (12).

(2) In section 98(2) (meaning of “permitted temporary activity”), for “sections 102 (acknowledgement of notice) and 104(1) (notification of police)” substitute “ section 102 (acknowledgement of notice) ”.

(3) In section 100 (temporary event notice)—

(a) in subsection (7), for paragraph (a) substitute—

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"(a) must be given in accordance with section 100A, and", and"

(b) in subsection (7)(b), after "fee" insert " when it is given by the premises user to the relevant licensing authority. ".

(4) After section 100 insert—

"**100A Standard and late temporary event notices**

(1) For the purposes of section 100(7)(a), a temporary event notice must be given in accordance with—

(a) subsection (2), in which case the notice is a "standard temporary event notice", or

(b) subsection (3), in which case the notice is a "late temporary event notice".

(2) A temporary event notice is given in accordance with this subsection if, no later than ten working days before the day on which the event period begins,—

(a) it is given to the relevant licensing authority by means of a relevant electronic facility, or

(b) it is given to the relevant licensing authority (otherwise than by means of a relevant electronic facility) and to each relevant person.

(3) A temporary event notice is given in accordance with this subsection if—

(a) it is given to the relevant licensing authority by means of a relevant electronic facility no later than five working days, but no earlier than nine working days, before the day the event period begins, or

(b) both of the following are satisfied—

(i) it is given to the relevant licensing authority (otherwise than by means of a relevant electronic facility) and to each relevant person no later than five working days before the day on which the event period begins;

(ii) it is given to at least one of those persons no earlier than nine working days before the day on which that event period begins.

(4) Where a temporary event notice (the "original notice") is given by the premises user to the relevant licensing authority by means of a relevant electronic facility as referred to in subsection (2)(a) or (3)(a)—

(a) the licensing authority must give a copy of the original notice to each relevant person no later than the end of the first working day after the day on which the original notice was given to the authority, and

(b) for the purposes of this Act, the copy is to be treated as if it were the original notice.

(5) In this section "event period" in relation to a temporary event notice means the event period specified in the notice.".

(5) In section 102 (acknowledgement of notice), for subsection (3) substitute—

"(3) Subsection (1) does not apply where, before the time by which acknowledgement of the receipt of the notice must be given in accordance with that subsection, a counter notice has been given to the premises user under—

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(a) where the counter notice is in respect of a late temporary event notice, section 104A, or
(b) where the counter notice is in respect of a standard temporary event notice or a late temporary event notice, section 107.".

(6) In section 104 (objection to notice)—
(a) omit subsections (1) and (1A), and
(b) in subsection (3), for "a copy of the temporary event notice under subsection (1) or (1A)" substitute " the temporary event notice ".

(7) After section 104 insert—

"**104A Counter notice following objection to late notice**

(1) Where an objection notice is given under section 104(2) in respect of a late temporary event notice, the relevant licensing authority must give the premises user a counter notice under this section.

(2) The counter notice must—
(a) be in the prescribed form, and
(b) be given to the premises user in the prescribed manner.

(3) The relevant licensing authority must, no later than 24 hours before the beginning of the event period specified in the temporary event notice—
(a) give the counter notice to the premises user, and
(b) give a copy of the counter notice to each relevant person.".

(8) In section 105 (counter notice following objection)—
(a) in the title, after "objection" insert " to standard temporary event notice ",
(b) in subsection (1), for "in respect of a" substitute " under section 104(2) in respect of a standard ", and
(c) omit subsection (7).

(9) In section 106(1) (modification of notice following objection)—
(a) in the title, for "notice" substitute " standard temporary event notice ",
(b) in subsection (1), for "in respect of a" substitute " under section 104(2) in respect of a standard ", and
(c) in subsection (2), for "the notice returned to the premises user under section 102" substitute " it ".

(10) In section 107 (counter notice where permitted limits exceeded)—
(a) in subsection (2), for paragraph (b) substitute—
"(b) has already given at least—
(i) 50 temporary event notices, or
(ii) ten late temporary event notices,
in respect of event periods wholly or partly within the same year as the event period specified in notice A.", and"
(b) in subsection (3), for paragraph (b) substitute—
"(b) has already given at least—
(i) five temporary event notices, or
(ii) two late temporary event notices,

in respect of event periods wholly or partly within the same year as the event period specified in notice A.”.

(11) In section 194 (index of defined expressions)—

(a) after the entry for the expression “late night refreshment” insert—

“late temporary event notice	section 100A(1)(b)”, and

(b) after the entry for the expression “secretary, in Part 4” insert—

“standard temporary event notice	section 100A(1)(a)”.

(12) In paragraph 16(1)(a) of Schedule 5 (appeals), after “a” insert “ standard ”.

(13) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

Commencement Information

I117 S. 114(1)(7) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(f)**
I118 S. 114(1)(7) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**
I119 S. 114(2)-(6)(8)-(13) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

115 Relaxation of time limits applying to temporary event notices

(1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).

(2) In section 100 (temporary event notice)—

(a) in subsection (1), for “96 hours” substitute “ 168 hours ”, and

(b) in subsection (5)(b), for “96 hours” substitute “ 168 hours ”.

(3) In section 107(5) (counter notice where permitted limits exceeded), for “15 days” substitute “ 21 days ”.

(4) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

Commencement Information

I120 S. 115(1)(2) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(g)**
I121 S. 115(1)(2) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**
I122 S. 115(3)(4) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

116 Temporary event notices: acknowledgment of notice

(1) In section 102 of the Licensing Act 2003 (acknowledgement of notice)—

(a) in subsection (1), for “(in duplicate) in accordance with this Part, it must acknowledge receipt of the notice by sending or delivering one notice” substitute “ in accordance with this Part, it must give written acknowledgement of the receipt of the notice ”, and

(b) omit subsection (2).

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(2) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

Commencement Information
I123 S. 116 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

117 Temporary event notice: time for objection to notice

(1) In section 104(3) of the Licensing Act 2003 (objection to temporary event notice by police), for "second" substitute " third ".

(2) The amendment made by this section applies in relation to temporary event notices that are given on or after the commencement of this section.

Commencement Information
I124 S. 117 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

Underage sales

118 Persistently selling alcohol to children

(1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).

(2) In section 147A(8) (fine for persistently selling alcohol to children), for "£10,000" substitute " £20,000 ".

(3) In section 169A (closure notice for persistently selling alcohol to children)—
  (a) in subsection (2)(a), for "for a period not exceeding 48 hours" substitute " , for the period specified in the notice, ", and
  (b) in subsection (4), for "not more than 48 hours" substitute " at least 48 hours but not more than 336 hours ".

(4) The amendment made by subsection (2) of this section applies in relation to offences that are committed on or after the commencement of that subsection.

(5) The amendments made by subsection (3) of this section apply in relation to closure notices that are given on or after the commencement of that subsection in relation to offences committed before, on or after that commencement.

Commencement Information
I125 S. 118(1)(3) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(h)**
I126 S. 118(1)(3) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**
I127 S. 118(2)(4)(5) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 31/10/2012

Early morning alcohol restriction orders

119 Early morning alcohol restriction orders

(1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).

(2) In section 7 (exercise and delegation of functions), in subsection (2), after paragraph (a) (but before the final "or") insert—

"(aa) the functions of making, and varying or revoking, an order under section 172A (early morning alcohol restriction order),".

(3) For sections 172A to 172E (early morning alcohol restriction order), as inserted by section 55 of the Crime and Security Act 2010, substitute—

"**172A Power to make early morning alcohol restriction order**

(1) If a licensing authority considers it appropriate for the promotion of the licensing objectives, it may, subject as follows, make an order under this section.

(2) An order under this section is an order providing that—

(a) premises licences and club premises certificates granted by the authority, and temporary event notices given to the authority, do not have effect to the extent that they authorise the sale of alcohol during the period specified in the order, and

(b) club premises certificates granted by the authority do not have effect to the extent that they authorise the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club during the period specified in the order.

(3) For the purposes of subsection (2)(a) and (b), the period that may be specified in the order must—

(a) begin no earlier than midnight, and

(b) end no later than 6am.

(4) It is immaterial for the purposes of an order under this section whether a premises licence or club premises certificate is granted, or a temporary event notice is given, before or after the order is made.

(5) An order under this section may provide that it is to apply—

(a) in relation to the same period of every day on which the order is to apply, or in relation to different periods of different days,

(b) every day or only on particular days (for example, particular days of the week or year),

(c) in relation to the whole or part of a licensing authority's area, or

(d) for a limited or unlimited period.

(6) An order under this section must specify—

(a) the days on which it is to apply and the period of those days,

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(b) the area in relation to which it is to apply,
(c) if it is to apply for a limited period, that period, and
(d) the date from which it is to apply.

(7) An order under this section must—
(a) be in the prescribed form, and
(b) have the prescribed content.

172B Procedural requirements for early morning alcohol restriction order

(1) A licensing authority proposing to make an order under section 172A must—
(a) advertise the proposed order in the prescribed manner, and
(b) hold a hearing to consider any relevant representations, unless the authority and each person who has made such representations agree that a hearing is unnecessary.

(2) In this section "relevant representations" means representations which—
(a) are about the likely effect of the making of the proposed order on the promotion of the licensing objectives,
(b) are made to the licensing authority by an affected person, a responsible authority or any other person,
(c) are made in the prescribed form and manner and within the prescribed period,
(d) have not been withdrawn, and
(e) in the case of representations made by a person who is not a responsible authority, are not, in the opinion of the licensing authority, frivolous or vexatious.

(3) In subsection (2)(b), "affected person" means—
(a) the holder of the premises licence or club premises certificate in respect of affected premises,
(b) the premises user in relation to a temporary event notice in respect of affected premises,
(c) a person who has applied for a premises licence or club premises certificate in respect of affected premises (where the application has not been determined), and
(d) a person to whom a provisional statement has been issued in respect of affected premises.

(4) In subsection (2)(b) and (e), "responsible authority" means—
(a) the licensing authority and any other licensing authority in whose area part of any affected premises is situated,
(b) the chief officer of police for a police area any part of which is in the area specified in the order,
(c) the fire and rescue authority for an area any part of which is in the area specified in the order,
(d) the Primary Care Trust or Local Health Board for an area any part of which is in the area specified in the order,
(e) the local weights and measures authority for any such area,

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(f) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any such area,

(g) the local planning authority within the meaning given by the Town and Country Planning Act 1990 for any such area,

(h) the local authority by which statutory functions are exercisable in the area specified in the order in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,

(i) a body which—

(i) represents those who, in relation to the area specified in the order, are responsible for, or interested in, matters relating to the protection of children from harm, and

(ii) is recognised by the licensing authority for the purposes of this section as being competent to advise on such matters,

(j) where affected premises are a vessel—

(i) a navigation authority (within the meaning given by section 221(1) of the Water Resources Act 1991) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is navigated at a time when it is used for licensable activities to which the proposed order relates,

(ii) the Environment Agency,

(iii) **[**[F4]Canal & River Trust**]** , and

(iv) the Secretary of State, and

(k) a prescribed person.

(5) Where a licensing authority determines for the purposes of subsection (2)(e) that any representations are frivolous or vexatious, it must notify the person who made them of its reasons for its determination.

(6) In this section—

"affected premises", in relation to a proposed order, means premises in respect of which it applies from the date specified in it;

"statutory function" means a function conferred by or under an enactment.

172C Making of early morning alcohol restriction order

(1) A licensing authority may not make an order under section 172A applying in relation to—

(a) an area not specified in the proposed order advertised under section 172B,

(b) a day not specified in that proposed order, or

(c) a period other than the period specified in that proposed order of any day so specified.

(2) After making an order under section 172A a licensing authority must publish it or otherwise make it available—

(a) in the prescribed form and manner, and

(b) within the prescribed period.

172D Variation and revocation of early morning alcohol restriction order

(1) A licensing authority may vary or revoke an order under section 172A.

(2) Sections 172B and 172C apply in relation to the variation or revocation of an order under section 172A as in relation to the making of such an order.

172E Exceptions from effect of early morning alcohol restriction order

(1) An order under section 172A does not apply in prescribed cases or circumstances.

(2) The cases referred to in subsection (1) may in particular be defined by reference to—

(a) particular kinds of premises, or

(b) particular days.

(3) An order under section 172A is subject to an order under section 172 (whether made before or afterwards), unless and to the extent that the order under section 172 provides otherwise.”.

(4) Section 55 of the Crime and Security Act 2010 (power to restrict sale and supply of alcohol) is repealed.

Textual Amendments

F4 Words in s. 119(3) substituted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 22** (with arts. 4-6)

Fees

120 Suspension of licence or certificate for failing to pay annual fee

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (5).

(2) In section 26(2) (period of validity of premises licence), after “section 52” insert “ or 55A ”.

(3) After section 55 (annual fee for premises licence) insert—

“**55A Suspension of premises licence for failing to pay annual fee**

(1) A licensing authority must suspend a premises licence if the holder of the licence has failed to pay the authority an annual fee that has become due under section 55(2).

(2) Subsection (1) does not apply if—

(a) either—

(i) the holder's failure to pay the fee at the time it became due was because of an administrative error (whether made by the holder, the authority or anyone else), or

(ii) before or at the time the fee became due, the holder notified the authority in writing that the holder disputed liability for, or the amount of, the fee, and

(b) the grace period for payment of the fee has not expired (see subsection (8)).

(3) If a licensing authority suspends a premises licence under subsection (1), the authority must give the holder of the licence a notice to that effect, specifying the day the suspension takes effect.

(4) A day specified in a notice under subsection (3) must be at least two working days after the day the authority gives the notice.

(5) If the holder of the licence pays the annual fee, the licensing authority must give the holder written acknowledgement of receipt of the fee.

(6) The acknowledgement of receipt under subsection (5) must—

(a) specify the day the authority received the fee (the "receipt day"), and

(b) be given to the holder as soon as is reasonably practicable but in any event—

(i) if the receipt day was a working day, before the end of the first working day after the receipt day,

(ii) otherwise, before the end of the second working day after the receipt day.

(7) A suspension of a premises licence under subsection (1)—

(a) takes effect on the day specified in the notice under subsection (3), and

(b) ceases to have effect on the receipt day, as specified in the acknowledgement of receipt under subsection (5).

(8) In this section, the "grace period" for payment of a fee is the period of 21 days, beginning on the day after the day the fee became due.".

(4) In section 80(2) (period of validity of club premises certificate), after "section 88" insert " or 92A ".

(5) After section 92 (annual fee for club premises certificate) insert—

"**92A Suspension of club premises certificate for failing to pay annual fee**

(1) A licensing authority must suspend a club premises certificate if the holder of the certificate has failed to pay the authority an annual fee that has become due under section 92(2).

(2) Subsection (1) does not apply if—

(a) either—

(i) the holder's failure to pay the fee at the time it became due was because of an administrative error (whether made by the holder, the authority or anyone else), or

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(ii) before or at the time the fee became due, the holder notified the authority in writing that the holder disputed liability for, or the amount of, the fee, and

(b) the grace period for payment of the fee has not expired (see subsection (8)).

(3) If a licensing authority suspends a club premises certificate under subsection (1), the authority must give the holder of the certificate a notice to that effect, specifying the day the suspension takes effect.

(4) A day specified in a notice under subsection (3) must be at least 2 working days after the day the authority gives the notice.

(5) If the holder of the certificate pays the annual fee, the licensing authority must give the holder written acknowledgement of receipt of the fee.

(6) The acknowledgement of receipt under subsection (5) must—

(a) specify the day the authority received the fee (the "receipt day"), and

(b) be given to the holder as soon as is reasonably practicable but in any event—

(i) if the receipt day was a working day, before the end of the first working day after the receipt day,

(ii) otherwise, before the end of the second working day after the receipt day.

(7) A suspension of a club premises certificate under subsection (1)—

(a) takes effect on the day specified in the notice under subsection (3), and

(b) ceases to have effect on the receipt day, as specified in the acknowledgement of receipt under subsection (5).

(8) In this section, the "grace period" for payment of a fee is the period of 21 days, beginning on the day after the day the fee became due.".

(6) The amendments made by this section apply in relation to premises licences and club premises certificates in relation to which annual fees become due on or after the commencement of this section.

Commencement Information

I128 S. 120 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

PROSPECTIVE

121 Power for licensing authorities to set fees

(1) The Licensing Act 2003 is amended as follows.

(2) After section 197 insert—

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"**197A Regulations about fees**

(1) Subsection (2) applies where the Secretary of State makes regulations under this Act prescribing the amount of any fee.

(2) The Secretary of State may, in determining the amount of the fee, have regard, in particular, to—
   (a) the costs of any licensing authority to whom the fee is to be payable which are referable to the discharge of the function to which the fee relates, and
   (b) the general costs of any such licensing authority;

   and may determine an amount by reference to fees payable to, and costs of, any such licensing authorities, taken together.

(3) A power under this Act to prescribe the amount of a fee includes power to provide that the amount of the fee is to be determined by the licensing authority to whom it is to be payable.

(4) Regulations which so provide may also specify constraints on the licensing authority's power to determine the amount of the fee.

(5) Subsections (6) and (7)—
   (a) apply where, by virtue of subsection (3), regulations provide that the amount of a fee is to be determined by a licensing authority, and
   (b) are subject to any constraint imposed under subsection (4).

(6) The licensing authority—
   (a) must determine the amount of the fee (and may from time to time determine a revised amount),
   (b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases), and
   (c) must publish the amount of the fee as determined from time to time.

(7) In determining the amount of the fee, the licensing authority must seek to secure that the income from fees of that kind will equate, as nearly as possible, to the aggregate of—
   (a) the licensing authority's costs referable to the discharge of the function to which the fee relates, and
   (b) a reasonable share of the licensing authority's general costs;

   and must assess income and costs for this purpose in such manner as it considers appropriate.

197B Regulations about fees: supplementary provision

(1) Subsections (2) and (3) apply for the purposes of section 197A.

(2) References to a licensing authority's costs referable to the discharge of a function include, in particular—
   (a) administrative costs of the licensing authority so far as they are referable to the discharge of the function, and

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(b) costs in connection with the discharge of the function which are incurred by the licensing authority acting—

(i) under this Act, but

(ii) in a capacity other than that of licensing authority (whether that of local authority, local planning authority or any other authority).

(3) References to the general costs of a licensing authority are to costs of the authority so far as they are referable to the discharge of functions under this Act in respect of which no fee is otherwise chargeable and include, in particular—

(a) costs referable to the authority's functions under section 5;

(b) costs of or incurred in connection with the monitoring and enforcement of Parts 7 and 8 of this Act;

(c) costs incurred in exercising functions conferred by virtue of section 197A.

(4) To the extent that they prescribe the amount of a fee or include provision made by virtue of section 197A(3) or (4), regulations may—

(a) make provision which applies generally or only to specified authorities or descriptions of authority, and

(b) make different provision for different authorities or descriptions of authority.

(5) Subsection (4) is not to be taken to limit the generality of section 197.”.

(3) In section 10(4) (sub-delegation of functions by licensing committee etc)—

(a) omit “or” at the end of paragraph (c), and

(b) after paragraph (d) insert “or

(e) any function conferred by virtue of section 197A (regulations about fees).”.

Miscellaneous

122 Licensing policy statements

(1) Section 5 of the Licensing Act 2003 (statement of licensing policy) is amended as set out in subsections (2) to (7).

(2) In subsection (1)—

(a) for “three” substitute “ five ”, and

(b) in paragraph (b) omit “(a “licensing statement”)”.

(3) Omit subsection (2).

(4) In subsection (3), for “three” substitute “ five ”.

(5) In subsection (4)—

(a) for “three” substitute “ five ”, and

(b) after “policy” insert “ in respect of that period ”.

(6) After subsection (6) insert—

"(6A) Without prejudice to subsection (4), a licensing authority may replace its policy in respect of a period, with effect from any date during that period, by—

(a) determining its policy with respect to the exercise of its licensing functions in respect of a period of five years beginning with that date, and

(b) publishing a statement of that policy before that date.

(6B) Subsection (3) applies in relation to any determination under subsection (6A) as it applies in relation to a determination under subsection (1).

(6C) A licensing statement must specify the five year period to which it relates."

(7) After subsection (7) insert—

"(8) In this section—

"five year period", in relation to a licensing authority, means—

(a) if paragraph (b) does not apply, the period of five years ending with 6 January 2016, and each subsequent period of five years, or

(b) if a licensing authority has published a licensing statement under subsection (6A), the period of five years to which the most recently published such statement relates, and each subsequent period of five years;

"licensing statement" means a statement published under subsection (1)(b) or (6A)(b)."

(8) Any policy determined, and any licensing policy statement published, under section 5(1) of the Licensing Act 2003 in respect of the period of three years beginning with 7 January 2011 is, on and after the commencement of this subsection, to be treated for all purposes as if—

(a) it had been determined and published under that section (as amended by this section) in respect of the period of five years beginning with 7 January 2011, and

(b) it specified the five year period to which it relates.

Commencement Information

I129 S. 122 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

123 Personal licences: relevant offences

(1) Schedule 4 to the Licensing Act 2003 (personal licence: relevant offences) is amended as set out in subsections (2) to (4).

(2) In paragraph 14 (offences under the Road Traffic Act 1988), after paragraph (c) insert—

"(d) section 6(6) (failing to co-operate with a preliminary test).".

(3) The second paragraph 22 is renumbered as paragraph 22A.

(4) After paragraph 23 insert—

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"24 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.

25 An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.

26 The offence at common law of conspiracy to defraud.".

(5) The amendments made by this section apply on and after the commencement of this section in relation to—
  (a) personal licences that are granted or renewed before, on or after the commencement of this section, and
  (b) offences committed before, on or after that commencement.

Commencement Information
I130 S. 123 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

Review

124 Review of effect of amendments on licensing scheme

(1) As soon as reasonably practicable after the end of the review period, the Secretary of State must—
  (a) carry out a review of the following provisions of this Chapter—
    (i) section 103 (licensing authorities as responsible authorities),
    (ii) section 104 (Primary Care Trusts and Local Health Boards as responsible authorities),
    (iii) section 105 (premises licences: who may make relevant representations),
    (iv) section 106 (premises licenses: who may apply for review),
    (v) section 107 (club premises certificates: who may make relevant representations),
    (vi) section 108 (club premises certificates: who may apply for review),
    (vii) section 109 (reducing the burden: premises licences),
    (viii) section 110 (reducing the burden: club premises certificates),
    (ix) section 111 (reducing the burden: other situations),
    (x) section 112 (temporary event notices: who may make an objection),
    (xi) section 113 (temporary event notices: conditions),
    (xii) section 117 (temporary event notice: time for objection to notice),
    (xiii) section 119 (early morning alcohol restriction orders),
    (xiv) section 120 (suspension of licence or certificate for failing to pay annual fee),
    (xv) section 123 (personal licences: relevant offences), and

(b) set out the conclusions of the review in a report.

(2) In particular, the review must assess the effect of the amendments made by those sections on the scheme established by the Licensing Act 2003.

(3) The Secretary of State must lay a copy of the report before Parliament.

(4) In this section, "review period" means the period of five years beginning with—
(a) if all of those sections commence on the same day, that day, and
(b) otherwise, the first day on which all of those sections have commenced.

Commencement Information
I131 S. 124 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

VALID FROM 31/10/2012

CHAPTER 2

LATE NIGHT LEVY

Application of late night levy requirement in licensing authority's area

125 Late night levy requirement

(1) In this Chapter, "the late night levy requirement" means a requirement to pay the late night levy in accordance with this Chapter.

(2) A licensing authority may decide that the late night levy requirement is to apply in its area.

(3) In making a decision under subsection (2) a licensing authority must consider—
(a) the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6 am, and
(b) having regard to those costs, the desirability of raising revenue to be applied in accordance with section 131.

(4) A licensing authority may not decide that the late night levy requirement is to apply in part only of its area.

(5) This section is subject to section 132.

Liability to pay late night levy

126 "Relevant late night authorisation" and related definitions

(1) This section applies for the purposes of this Chapter.

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(2) "Relevant late night authorisation", in relation to a licensing authority and a levy year, means a premises licence or club premises certificate which—
  (a) is granted by the authority, and
  (b) authorises the supply of alcohol at a time or times during the late night supply period on one or more days in the related payment year.

(3) The "late night supply period" in relation to a licensing authority means the period of the day decided by the authority under section 132 or 133.

(4) A late night supply period must—
  (a) begin at or after midnight, and
  (b) end at or before 6 am.

(5) The late night supply period determined by a licensing authority for a levy year must be the same—
  (a) for each payment year beginning during the levy year, and
  (b) throughout each such payment year.

(6) Regulations must make provision as to how payment years are to be determined in relation to holders of premises licences or club premises certificates.

(7) Regulations under subsection (6) may, in particular—
  (a) provide for a holder's payment year to be determined by reference to the period in respect of which the holder is liable to pay an annual fee under section 55(2) or 92(2) of the Licensing Act 2003, or
  (b) confer functions or a discretion on licensing authorities in relation to premises licences and club premises certificates granted by them.

(8) Regulations under subsection (6) which provide for licensing authorities to determine payment years must require an authority to decide how the payment years are to be determined at the time the authority decides under section 125(2) that the late night levy requirement is to apply in its area.

(9) For the purposes of this section, a payment year is related to a levy year if it begins at the same time as, or during, the levy year.

127 Liability to pay late night levy

(1) Where the late night levy requirement applies in the area of a licensing authority, the holder of a relevant late night authorisation must pay a levy ("the late night levy") to the authority in respect of that authorisation for each levy year, in accordance with this Chapter.

(2) But a holder of a relevant late night authorisation who falls within an applicable exemption category is not liable to pay the late night levy in respect of that authorisation for the levy year.

(3) For this purpose, "applicable exemption category", in relation to a levy year, means a permitted exemption category that the licensing authority has decided under section 132 or 133 is to apply in its area for the levy year.

128 Amount of late night levy

(1) For any levy year, the amount of the levy is—
  (a) the amount prescribed by regulations, or
  (b) the amount calculated in accordance with regulations.

(2) But in the case of the holder of a relevant late night authorisation who falls within an applicable reduction category, the amount of the late night levy payable in respect of the authorisation is the reduced amount that applies in relation to that category (see section 135(4)).

(3) For this purpose "applicable reduction category", in relation to a levy year, means a permitted reduction category that the licensing authority has decided under section 132 or 133 is to apply in its area for the levy year.

(4) Subject to subsection (2), regulations under subsection (1) must provide for the amount of the late night levy, or the manner in which it is to be calculated, to be the same for all persons liable to pay the levy in respect of an authorisation for the levy year.

Administration of late night levy

129 Payment and administration of the levy

(1) Regulations—
  (a) must make provision as to collection and administration, and
  (b) may make provision as to enforcement,
  of the late night levy.

(2) Regulations under subsection (1) must make provision as to the time or times for payment of the levy to a licensing authority by holders of relevant late night authorisations.

(3) Provision made by virtue of subsection (2) may in particular provide for any such time or times to be determined by reference to the holders' payment years.

(4) Regulations under subsection (1) may make provision for adjustments to be made in cases where—
  (a) a relevant late night authorisation ceases to be such an authorisation during the holder's payment year;
  (b) a premises licence or club premises certificate becomes a relevant late night authorisation during the holder's payment year;
  (c) an order under section 172A of that Act (early morning restriction orders) precludes the supply of alcohol by virtue of the relevant late night authorisation at all the times during the applicable late night supply period when it would otherwise have been permitted by virtue of the authorisation;
  including in cases where the change occurs after the end of the levy year.

(5) Any payment of the late night levy which is owed to a licensing authority under this Chapter may be recovered as a debt due to the authority.

(6) The following provisions of the Licensing Act 2003 apply for the purposes of this Chapter—

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(a) section 55A (suspension of premises licence for failure to pay annual fee);
(b) section 92A (suspension of club premises certificate for failure to pay annual fee),

but as if a reference to an annual fee, or to the annual fee owed under section 55(2) or 92(2), were a reference to the late night levy, or to the amount of the late night levy owed under this Chapter.

(7) Provision that may be made by regulations under this section includes provision conferring functions or a discretion on licensing authorities.

130 Net amount of levy payments

(1) In this Chapter "the net amount of levy payments" of a licensing authority in respect of any period means the amount, calculated in accordance with regulations, which represents—
(a) the aggregate amount of payments to the authority in respect of the levy that are attributable to that period, less
(b) the aggregate amount of expenses of the authority attributable to that period that are permitted deductions under regulations under subsection (2)(a).

(2) Regulations under subsection (1)—
(a) must prescribe descriptions of relevant expenses which may be deducted for the purposes of calculating the net amount of levy payments for any period,
(b) may make provision for determining the amounts to be taken into account in calculating the net amount of levy payments,
(c) may make provision for determining the period to which a payment or deduction is attributable.

(3) In subsection (2)(a), "relevant expenses" means expenses incurred by a licensing authority in the administration of the late night levy requirement including, in particular, such expenses incurred in, in connection with or in consequence of—
(a) any decision mentioned in section 134(1);
(b) collection of payments of the late night levy;
(c) enforcement of the late night levy requirement.

(4) Expenses incurred by a licensing authority which fall within subsection (3)(a) include, in particular, expenses which it incurs in connection with any application made by virtue of section 134(2)(c).

(5) A licensing authority must publish the following, in respect of each levy year—
(a) before the beginning of the year, a statement of its estimate of the amount of deductions permitted under regulations under subsection (2)(a) to be made in respect of the year;
(b) after the end of the year, a statement of the net amount of levy payments for the year, showing in particular the amounts mentioned in paragraphs (a) and (b) of subsection (1) attributable to the year.

(6) It is for the licensing authority to determine the manner in which any statement under subsection (5) is to be published.

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Application of levy payments

131 Application of net amount of levy payments

(1) The net amount of levy payments for any levy year must be applied as follows.

(2) The licensing authority—
- (a) must pay the specified proportion of that amount to the relevant local policing body, and
- (b) must apply the remainder of that amount in accordance with regulations.

(3) In subsection (2)(a), "specified proportion" means the proportion determined for the levy year under section 132(1)(b) or 133(1)(d).

(4) The specified proportion must be not less than 70 per cent.

(5) Regulations may amend subsection (4) by specifying a different proportion in place of the proportion for the time being specified in that subsection.

(6) Regulations may make provision—
- (a) as to the time or times at which payments are to be made by the licensing authority under subsection (2);
- (b) for adjustments of payments in cases where payments or repayments are made in respect of the levy after the end of the levy year.

(7) Regulations under this section may make provision conferring functions or a discretion on a licensing authority.

Late night levy requirement: further provision

132 Introduction of late night levy requirement

(1) Where a licensing authority decides under section 125 that the late night levy requirement is to apply in its area, it must also decide—
- (a) the date on which the late night levy requirement is first to apply, and
- (b) for the first levy year and, subject to section 133, each subsequent levy year—
  - (i) the late night supply period;
  - (ii) the permitted exemption categories (if any) that are to apply in its area;
  - (iii) the permitted reduction categories (if any) that are to apply in its area;
  - (iv) the proportion of the net amount of levy payments that is to be paid to the relevant local policing body under section 131.

(2) Subsection (1)(b)(i) is subject to section 126(4) and (5).

(3) Subsection (1)(b)(iv) is subject to section 131(4).

(4) Regulations under section 134 apply in relation to any decision of a licensing authority under section 125 or this section.

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133 Amendment of late night levy requirement

(1) Where the late night levy requirement applies in the area of a licensing authority under section 125, the authority may decide—
- (a) that the requirement is to cease to apply in the area;
- (b) that a different late night supply period is to apply;
- (c) that any permitted exemption categories or permitted reduction categories are to apply in addition to any that currently apply, or to cease to apply, in the area;
- (d) that a different proportion of the net amount of levy payments is to be paid to the relevant local policing body.

(2) Subsection (1)(b) is subject to section 126(4) and (5).

(3) Subsection (1)(d) is subject to section 131(4).

(4) Where—
- (a) regulations under section 135 alter the permitted exemption categories or permitted reduction categories, and
- (b) by virtue of the regulations any category that applies in the area of a licensing authority as the result of a relevant decision ceases to be a permitted exemption category or permitted reduction category,

the licensing authority must exercise its power under subsection (1)(c) so as to secure that all the categories that apply in its area in respect of future levy periods are permitted exemption categories or permitted reduction categories.

(5) In subsection (4)(b), "relevant decision" means a decision under—
- (a) section 132(1)(b)(ii) or (iii), or
- (b) subsection (1)(c) of this section.

(6) Where—
- (a) regulations under subsection (5) of section 131 amend subsection (4) of that section, and
- (b) by virtue of the regulations the proportion of the net amount of levy payments to be paid to the relevant local policing body ceases to satisfy section 131(4),

the licensing authority must exercise its power under subsection (1)(d) so as to secure that the proportion of the net amount of levy payments to be paid to the relevant local policing body in respect of future levy years satisfies that provision.

(7) Any decision made under subsection (1) may take effect only—
- (a) in the case of a decision under paragraph (a), at the end of a levy period,
- (b) in the case of decision under paragraph (b), (c) or (d), in respect of future levy periods.

(8) Regulations under section 134 apply in relation to any decision of a licensing authority under this section.

134 Introduction or variation of late night levy requirement: procedure

(1) Regulations must make provision as to the procedure to be followed by a licensing authority in relation to any proposal for—

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(a) a decision under section 125(2) that the late night levy requirement is to apply in the area of the licensing authority (and any related decision under section 132(1));

(b) a decision under section 133(1)(a) that the late night levy requirement is to cease to apply in the area of the licensing authority;

(c) a decision under section 133(1)(b), (c) or (d).

(2) Regulations under this section must, in particular—

(a) require the licensing authority, where it proposes to make any decision mentioned in subsection (1), to consult the following about the proposal—

(i) the relevant local policing body;

(ii) the relevant chief officer of police;

(iii) holders of relevant late night authorisations;

(iv) any other persons prescribed by the regulations;

(b) make provision requiring the licensing authority to publish notice of any decision mentioned in subsection (1) (and of related decisions);

(c) in the case of a decision under section 125(2), make provision—

(i) enabling any relevant late night authorisation to be varied under section 34, 41A, 84 or 86A of the Licensing Act 2003, on the application of the holder, so as to cease to be a relevant late night authorisation before the beginning of the first levy year, and

(ii) for no fee to be payable in respect of any such application to the extent that it relates to such a variation.

(3) In the case of a proposal that the late night levy requirement should apply to the area of a licensing authority, the consultation about the proposal required under subsection (2)(a) must include consultation about the matters to be decided under section 132(1).

(4) Regulations under this section may specify matters of which the licensing authority must be satisfied before deciding under section 125(2) that the late night levy requirement is to apply in its area.

(5) In subsection (2)(c), "relevant late night authorisation" includes a premises licence or club premises certificate which would be a relevant late night authorisation if the licensing authority were to make the decisions in subsection (1)(a) in accordance with the proposal.

135 Permitted exemption and reduction categories

(1) Regulations may prescribe—

(a) categories of holders of relevant late night authorisations in relation to whom, if a licensing authority so decides, the requirement to pay the late night levy is not to apply ("permitted exemption categories");

(b) categories of holders of relevant late night authorisations in relation to whom, if a licensing authority so decides, a reduced amount of the levy is to apply ("permitted reduction categories").

(2) References in subsection (1) to a decision of a licensing authority are to a decision by the authority under section 132(1)(b)(ii) or (iii) or 133(1)(c) that the category in question is to apply in its area.

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(3) Without prejudice to section 136(3), categories of holders may be prescribed for this purpose by reference, in particular, to—
  (a) participation in arrangements of particular descriptions;
  (b) particular descriptions of premises in respect of which authorisations are held.

(4) Regulations under subsection (1) which prescribe permitted reduction categories must also prescribe, in relation to each such category—
  (a) what the reduced amount of the levy is, or
  (b) the manner in which the reduced amount of the levy is to be calculated,

and must provide for the reduced amount of the late night levy, or the manner in which it is to be calculated, to be the same for all holders of relevant late night authorisations in that category for a levy year.

136 Late night levy: regulations

(1) Any power to make regulations under this Chapter is exercisable by the Secretary of State, but may be exercised only with consent of Treasury.

(2) Regulations may amend any provision made by or under an Act so far as necessary or expedient in consequence of any provision made by or under this Chapter.

(3) Any regulations under this Chapter may—
  (a) make different provision for different cases;
  (b) make provision subject to exceptions;
  (c) make supplemental, incidental, consequential and transitional provision.

(4) Subsection (3) is subject to section 128(4) and 135(4).

137 Interpretation

In this Chapter—

"club premises certificate" has the same meaning as in the Licensing Act 2003 (see section 60 of that Act);

"late night levy" means a levy payable under section 127(1);

"the late night levy requirement" has the meaning given by section 125;

"late night supply period", has the meaning given by section 126;

"levy year", in relation to a licensing authority, means a period of one year, beginning with the date specified under section 132(1)(a) or an anniversary of that date, for which the late night levy requirement applies in the area of the authority;

"licensing authority" means an authority which is a licensing authority within the meaning of the Licensing Act 2003 (see section 3 of that Act);

"net amount of levy payments" has the meaning given by section 130;

"payment year", in relation to the holder of a relevant late night authorisation, means a year to which any payment of the late night levy by the holder in respect of the authorisation relates;

"permitted exemption category" and "permitted reduction category" have the meanings given by section 135;

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"premises licence" has the same meaning as in the Licensing Act 2003 (see section 11 of that Act);

"relevant late night authorisation" has the meaning given by section 126;

"relevant chief officer of police", in relation to a licensing authority, means the chief officer of police for the police area which comprises or includes the area of the licensing authority;

"relevant local policing body", in relation to a licensing authority, means the local policing body for the police area which comprises or includes the area of the licensing authority;

"supply of alcohol" has the same meaning as in Part 3 of the Licensing Act 2003 (see section 14 of that Act).

138 Crown application

(1) This Chapter binds the Crown and has effect in relation to any premises licence, or club premises certificate, which relates to land in which there is—
  (a) an interest belonging to Her Majesty in right of the Crown,
  (b) an interest belonging to a government department, or
  (c) an interest held in trust for Her Majesty for the purposes of such a department.

(2) This Chapter also applies in relation to any premises licence, or club premises certificate, which relates to—
  (a) land which is vested in, but not occupied by, Her Majesty in right of the Duchy of Lancaster, and
  (b) land which is vested in, but not occupied by, the possessor for the time being of the Duchy of Cornwall.

(3) Provision made by or under this Chapter applies to persons in the public service of the Crown as it applies to other persons.

(4) But nothing in this Chapter affects Her Majesty in Her private capacity.

139 Amendments of the Licensing Act 2003

(1) The Licensing Act 2003 is amended as follows.

(2) In section 55 (fees: premises licences), after subsection (1) insert—

"(1A) Subsection (1) is subject to regulations under section 134(2)(c)(ii) of the Police Reform and Social Responsibility Act 2011 (exemption from fees for variation applications prior to introduction of late night levy)."

(3) In section 92 (fees: club premises certificates), after subsection (1) insert—

"(1A) Subsection (1) is subject to regulations under section 134(2)(c)(ii) of the Police Reform and Social Responsibility Act 2011 (exemption from fees for variation applications prior to introduction of late night levy)."

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 31/10/2012

CHAPTER 3

ALCOHOL DISORDER ZONES

140 Alcohol disorder zones: repeal

Sections 15 to 20 of the Violent Crime Reduction Act 2006 (alcohol disorder zones) are repealed.

PART 3

PARLIAMENT SQUARE GARDEN AND SURROUNDING AREA

Repeal of SOCPA 2005 provisions

141 Demonstrations in vicinity of Parliament: repeal of SOCPA 2005 provisions

(1) Sections 132 to 138 of the Serious Organised Crime and Police Act 2005 (which regulate demonstrations and use of loudspeakers in the vicinity of Parliament) are repealed.

(2) The public assemblies in relation to which section 14 of the Public Order Act 1986 applies, as a consequence of the repeal of section 132(6) of the Serious Organised Crime and Police Act 2005, include public assemblies which started, or were being organised, before this section comes into force.

Commencement Information

I132 S. 141(1) in force at 19.12.2011 for specified purposes by S.I. 2011/2834, **art. 2(a)**
I133 S. 141(1) in force at 30.3.2012 in so far as not already in force by S.I. 2011/2834, **art. 3**
I134 S. 141(2) in force at 30.3.2012 by S.I. 2011/2834, **art. 3**

Controls on activities in Parliament Square Garden and adjoining pavements

142 Controlled area of Parliament Square

(1) For the purposes of this Part, the "controlled area of Parliament Square" means the area of land that is comprised in—
  (a) the central garden of Parliament Square, and
  (b) the footways that immediately adjoin the central garden of Parliament Square.

(2) In subsection (1)—

"the central garden of Parliament Square" means the site in Parliament Square on which the Minister of Works was authorised by the Parliament

Square (Improvements) Act 1949 to lay out the garden referred to in that Act as "the new central garden";

"footway" has the same meaning as in the Highways Act 1980 (see section 329(1) of that Act).

Commencement Information

I135 S. 142 in force at 19.12.2011 by S.I. 2011/2834, **art. 2(b)**

143 Prohibited activities in controlled area of Parliament Square

(1) A constable or authorised officer who has reasonable grounds for believing that a person is doing, or is about to do, a prohibited activity may direct the person—

(a) to cease doing that activity, or

(b) (as the case may be) not to start doing that activity.

(2) For the purposes of this Part, a "prohibited activity" is any of the following—

(a) operating any amplified noise equipment in the controlled area of Parliament Square;

(b) erecting or keeping erected in the controlled area of Parliament Square—

(i) any tent, or

(ii) any other structure that is designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping or staying in a place for any period;

(c) using any tent or other such structure in the controlled area of Parliament Square for the purpose of sleeping or staying in that area;

(d) placing or keeping in place in the controlled area of Parliament Square any sleeping equipment with a view to its use (whether or not by the person placing it or keeping it in place) for the purpose of sleeping overnight in that area;

(e) using any sleeping equipment in the controlled area of Parliament Square for the purpose of sleeping overnight in that area.

(3) But an activity is not to be treated as a "prohibited activity" within subsection (2) if it is done—

(a) for police, fire and rescue authority or ambulance purposes,

(b) by or on behalf of a relevant authority, or

(c) by a person so far as authorised under section 147 to do it (authorisation for operation of amplified noise equipment).

(4) In subsection (2)(a) "amplified noise equipment" means any device that is designed or adapted for amplifying sound, including (but not limited to)—

(a) loudspeakers, and

(b) loudhailers.

(5) In subsection (3)(b) "relevant authority" means any of the following—

(a) a Minister of the Crown or a government department,

(b) the Greater London Authority, or

(c) Westminster City Council.

(6) It is immaterial for the purposes of a prohibited activity—

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(a) in the case of an activity within subsection (2)(b) or (c) of keeping a tent or similar structure erected or using a tent or similar structure, whether the tent or structure was first erected before or after the coming into force of this section;

(b) in the case of an activity within subsection (2)(d) or (e) of keeping in place any sleeping equipment or using any such equipment, whether the sleeping equipment was first placed before or after the coming into force of this section.

(7) In this section "sleeping equipment" means any sleeping bag, mattress or other similar item designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping in a place.

(8) A person who fails without reasonable excuse to comply with a direction under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

I136 S. 143 in force at 19.12.2011 by S.I. 2011/2834, **art. 2(c)**

144 Directions under section 143: further provision

(1) A direction requiring a person to cease doing a prohibited activity may include a direction that the person does not start doing that activity again after having ceased it.

(2) A direction requiring a person not to start doing a prohibited activity continues in force until—

(a) the end of such period beginning with the day on which the direction is given as may be specified by the constable or authorised officer giving the direction, or

(b) if no such period is specified, the end of the period of 90 days beginning with the day on which the direction is given.

(3) A period specified under subsection (2)(a) may not be longer than 90 days.

(4) A direction may be given to a person to cease operating, or not to start operating, any amplified noise equipment only if it appears to the constable or authorised officer giving the direction that the following condition is met.

(5) The condition is that the person is operating, or is about to operate, the equipment in such a manner as to produce sound that other persons in or in the vicinity of the controlled area of Parliament Square can hear or are likely to be able to hear.

(6) A direction—

(a) may be given orally,

(b) may be given to any person individually or to two or more persons together, and

(c) may be withdrawn or varied by the person who gave it.

(7) In this section—

"amplified noise equipment" has the meaning given by section 143(4);

"direction" means a direction given under section 143(1).

Commencement Information
I137 S. 144 in force at 19.12.2011 by S.I. 2011/2834, **art. 2(d)**

145 Power to seize property

(1) A constable or authorised officer may seize and retain a prohibited item that is on any land in the controlled area of Parliament Square if it appears to that constable or officer that the item is being, or has been, used in connection with the commission of an offence under section 143.

(2) A constable may seize and retain a prohibited item that is on any land outside of the controlled area of Parliament Square if it appears to the constable that the item has been used in connection with the commission of an offence under section 143.

(3) A "prohibited item" is any item of a kind mentioned in section 143(2).

(4) A constable may use reasonable force, if necessary, in exercising a power of seizure under this section.

(5) An item seized under this section must be returned to the person from whom it was seized—
   (a) no later than the end of the period of 28 days beginning with the day on which the item was seized, or
   (b) if proceedings are commenced against the person for an offence under section 143 before the return of the item under paragraph (a), at the conclusion of those proceedings.

(6) If it is not possible to return an item under subsection (5) because the name or address of the person from whom it was seized is not known—
   (a) the item may be returned to any other person appearing to have rights in the property who has come forward to claim it, or
   (b) if there is no such person, the item may be disposed of or destroyed at any time after the end of the period of 90 days beginning with the day on which the item was seized.

(7) Subsections (5)(b) and (6) do not apply if a court makes an order under section 146(1)(a) for the forfeiture of the item.

(8) The references in subsections (1) and (2) to an item that is "on" any land include references to an item that is in the possession of a person who is on any such land.

Commencement Information
I138 S. 145 in force at 19.12.2011 by S.I. 2011/2834, **art. 2(e)**

146 Power of court on conviction

(1) The court may do either or both of the following on the conviction of a person ("P") of an offence under section 143—
   (a) make an order providing for the forfeiture of any item of a kind mentioned in subsection (2) of that section that was used in the commission of the offence;

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(b) make such other order as the court considers appropriate for the purpose of preventing P from engaging in any prohibited activity in the controlled area of Parliament Square.

(2) An order under subsection (1)(b) may (in particular) require P not to enter the controlled area of Parliament Square for such period as may be specified in the order.

(3) Power of the court to make an order under this section is in addition to the court's power to impose a fine under section 143(8).

Commencement Information

I139 S. 146 in force at 19.12.2011 by S.I. 2011/2834, **art. 2(f)**

147 Authorisation for operation of amplified noise equipment

(1) The responsible authority for any land in the controlled area of Parliament Square may authorise a person in accordance with this section to operate on that land any amplified noise equipment (as defined by section 143(4)).

(2) An application for authorisation must be made to the responsible authority by or on behalf of the person (or persons) seeking the authorisation.

(3) The responsible authority may—

(a) determine the form in which, and the manner in which, an application is to be made;

(b) specify the information to be supplied in connection with an application;

(c) require a fee to be paid for determining an application.

(4) If an application is duly made to a responsible authority, the authority must—

(a) determine the application, and

(b) give notice in writing to the applicant of the authority's decision within the period of 21 days beginning with the day on which the authority receives the application.

(5) The notice must specify—

(a) the person (or persons) authorised (whether by name or description),

(b) the kind of amplified noise equipment to which the authorisation applies,

(c) the period to which the authorisation applies, and

(d) any conditions to which the authorisation is subject.

(6) The responsible authority may at any time—

(a) withdraw an authorisation given to a person under this section, or

(b) vary any condition to which an authorisation is subject.

(7) Variation under subsection (6)(b) includes—

(a) imposing a new condition,

(b) removing an existing condition, or

(c) altering any period to which a condition applies.

(8) The exercise of a power under subsection (6) to withdraw an authorisation or to vary a condition is effected by the responsible authority giving notice in writing to the applicant.

Commencement Information
I140 S. 147 in force at 19.12.2011 by S.I. 2011/2834, **art. 2(g)**

148 Meaning of "authorised officer" and "responsible authority"

(1) This section applies for the purposes of this Part.

(2) "Authorised officer", in relation to any land in the controlled area of Parliament Square, means—
  (a) an employee of the responsible authority for that land who is authorised in writing by the authority for the purposes of this Part, and
  (b) any other person who, under arrangements made with the responsible authority (whether by that or any other person), is so authorised for the purposes of this Part.

(3) "Responsible authority", in relation to any land in the controlled area of Parliament Square, means—
  (a) the Greater London Authority, for any land comprised in the central garden of Parliament Square (as defined by section 142(2)), and
  (b) Westminster City Council, for any other land.

Commencement Information
I141 S. 148 in force at 19.12.2011 by S.I. 2011/2834, **art. 2(h)**

149 Effect of Part on byelaws

(1) In section 385 of the Greater London Authority Act 1999 (byelaws), after subsection (6) insert—

"(6A) Byelaws under this section may not be made as respects Parliament Square Garden for the purpose of prohibiting a particular activity so far as that activity is a prohibited activity for the purposes of Part 3 of the Police Reform and Social Responsibility Act 2011 (see section 143(2) of that Act).".

(2) Any byelaw made under section 385 of the Greater London Authority Act 1999 before the date on which section 143 above comes into force ceases to have effect on that date so far as the byelaw makes provision prohibiting, as respects the controlled area of Parliament Square, a particular activity that is a prohibited activity for the purposes of this Part.

(3) Nothing in this Part restricts the making of any byelaw under section 235(1) of the Local Government Act 1972 (power of councils to make byelaws) for the purpose of prohibiting, as respects the controlled area of Parliament Square, a particular activity except so far as the activity is a prohibited activity for the purposes of this Part.

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Commencement Information
I142 S. 149 in force at 19.12.2011 by S.I. 2011/2834, **art. 2(i)**

PART 4

MISCELLANEOUS

Seizure powers

150 Powers of seizure etc under certain regulations and byelaws

(1) In section 2 of the Parks Regulation (Amendment) Act 1926 (power to make regulations), after subsection (1) insert—

"(1A) Regulations under subsection (1) may include provision applying (with any necessary modifications) sections 4 to 6 of the Royal Parks (Trading) Act 2000 (seizure, retention, disposal and forfeiture of property) in relation to offences under that subsection that are not park trading offences for the purposes of that Act.".

(2) After section 237 of the Local Government Act 1972 (offences against byelaws) insert—

"**237ZA Section 235 byelaws: powers of seizure etc**

A byelaw made under section 235 may include provision for or in connection with—

(a) the seizure and retention of any property in connection with any contravention of the byelaw, and

(b) the forfeiture of any such property on a person's conviction of an offence of contravention of the byelaw.".

(3) In section 385 of the Greater London Authority Act 1999 (byelaws), in subsection (4)(b) for "a trading byelaw" substitute " any byelaw under this section ".

Commencement Information
I143 S. 150(1)(3) in force at 19.12.2011 by S.I. 2011/2834, **art. 2(j)**
I144 S. 150(2) in force at 19.12.2011 for E. by S.I. 2011/2834, **art. 2(k)**

Misuse of drugs

151 Temporary control of drugs

Schedule 17 (which makes provision for temporary class drug orders under the Misuse of Drugs Act 1971) has effect.

Commencement Information
I145 S. 151 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(d)**

152 Advisory Council on the Misuse of Drugs

In Schedule 1 to the Misuse of Drugs Act 1971 (constitution etc of the Advisory Council on the Misuse of Drugs), in paragraph 1—

(a) in sub-paragraph (1), omit the words after "appropriate", and

(b) omit sub-paragraph (2).

Commencement Information
I146 S. 152 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(e)**

Arrest warrants

153 Restriction on issue of arrest warrants in private prosecutions

(1) In section 1 of the Magistrates' Courts Act 1980 (issue of summons or warrant), after subsection (4) insert—

"(4A) Where a person who is not a public prosecutor lays an information before a justice of the peace in respect of an offence to which this subsection applies, no warrant shall be issued under this section without the consent of the Director of Public Prosecutions.

(4B) In subsection (4A) "public prosecutor" has the same meaning as in section 29 of the Criminal Justice Act 2003.

(4C) Subsection (4A) applies to—

(a) a qualifying offence which is alleged to have been committed outside the United Kingdom, or

(b) an ancillary offence relating to a qualifying offence where it is alleged that the qualifying offence was, or would have been, committed outside the United Kingdom.

(4D) In subsection (4C) "qualifying offence" means any of the following—

(a) piracy or an offence under section 2 of the Piracy Act 1837 (piracy where murder is attempted);

(b) an offence under section 1 of the Geneva Conventions Act 1957 (grave breaches of Geneva conventions);

(c) an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from section 1 of the Internationally Protected Persons Act 1978 (attacks and threats of attacks on protected persons);

(d) an offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking);

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(e) an offence under section 1, 2 or 6 of the Aviation Security Act 1982 (hijacking etc);

(f) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 2A of the Nuclear Material (Offences) Act 1983 (offences relating to nuclear material);

(g) an offence under section 134 of the Criminal Justice Act 1988 (torture);

(h) an offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);

(i) an offence under sections 9 to 14 of that Act (hijacking ships etc);

(j) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 3 of the United Nations Personnel Act 1997 (attacks on UN workers etc).

(4E) In subsection (4C) "ancillary offence", in relation to an offence, means—

(a) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement);

(b) attempting or conspiring to commit the offence.".

(2) In section 25 of the Prosecution of Offences Act 1985 (consents to prosecutions etc), after subsection (2) insert—

"(2A) Subsection (2)(a) is subject to section 1(4A) of the Magistrates' Courts Act 1980.".

PART 5

FINAL PROVISIONS

154 Orders and regulations

(1) Any power of the Secretary of State under this Act to make an order or regulations is exercisable by statutory instrument.

(2) A statutory instrument containing any of the following orders or regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—

(a) regulations under section 31 or 54(2) or paragraph 36(1) (a) or 40 of Schedule 6;

(b) an order under section 50 or 58;

(c) regulations under section 126, 128, 129, 131, 134 or 136(2);

(d) an order under paragraph 24 of Schedule 15 which contains provision amending an Act (whether or not it also contains other provision).

(3) Any other statutory instrument containing an order or regulations under this Act, except an instrument containing only an order specified in subsection (4), is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The orders referred to subsection (3) are those under section 54(1)(b), 55(1), 75 or 157.

(5) An order or regulations made by the Secretary of State under this Act may—
- (a) include incidental, supplementary and consequential provision;
- (b) make transitory or transitional provision or savings;
- (c) make different provision for different cases, areas or purposes.

155 Money

The following are to be paid out of money provided by Parliament—
- (a) expenditure incurred by a Minister of the Crown by virtue of this Act;
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

156 Extent

(1) This Act extends to England and Wales only.

(2) Subsection (1) is subject to subsections (3) to (6).

(3) The following provisions extend to England and Wales, Scotland and Northern Ireland—
- (a) section 58 (power to make provision about elections etc),
- (b) section 151 and Schedule 17 (temporary class drug orders),
- (c) section 152 (Advisory Council on the Misuse of Drugs),
- (d) section 154 (orders and regulations) so far as relating to an order under section 58, and
- (e) this section and sections 157 and 158 (final provisions).

(4) Section 98 and Schedule 15 apply to England and Wales and Scotland.

(5) The amendments, repeals and revocations made by this Act (so far as not made by provision mentioned in subsection (3)(b) or (c)) have the same extent as the provisions amended, repealed or revoked.

(6) Subsection (5) does not apply to the amendment made to section 2 of the Parks Regulation (Amendment) Act 1926 by section 150(1) above (which accordingly extends to England and Wales only).

157 Commencement

(1) The provisions of this Act come into force on such day as the Secretary of State may by order appoint.

(2) Subsection (1) is subject to subsections (3) and (4).

(3) The following provisions come into force on the day on which this Act is passed—
- (a) section 58 (power to make provision about elections);
- (b) section 153 (restrictions on issue of arrest warrants in private prosecutions);

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(c) sections 154 to 158 (final).

(4) Section 150(2), so far as relating to byelaws made by local authorities in Wales, comes into force on such day as the Welsh Ministers may by order appoint.

(5) Section 154(1) and (5)(b) applies to an order of the Welsh Ministers under subsection (4) as it applies to an order of the Secretary of State under this Act.

158 Short title

This Act may be cited as the Police Reform and Social Responsibility Act 2011.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

SCHEDULES

VALID FROM 22/11/2012

SCHEDULE 1

Section 1

POLICE AND CRIME COMMISSIONERS

. . . . . .

VALID FROM 22/11/2012

SCHEDULE 2

Section 2

CHIEF CONSTABLES

. . . . . .

SCHEDULE 3

Section 3

MAYOR'S OFFICE FOR POLICING AND CRIME

Allowances

1 (1) The occupant of the Mayor's Office for Policing and Crime is to be paid authorised allowances.

(2) In this paragraph "authorised allowances" means allowances, in respect of expenses incurred by the occupant of the Mayor's Office for Policing and Crime in the exercise of the functions of that Office, which are of the kinds and amounts designated by the Secretary of State as payable in accordance with this paragraph.

(3) A determination under this paragraph may make different provision for different cases.

(4) Payments under this paragraph are to be made by the Mayor's Office for Policing and Crime.

Commencement Information

I147 Sch. 3 para. 1 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Staff

2 (1) The Mayor's Office for Policing and Crime must appoint a person to be the head of that Office's staff (referred to in this Part as the chief executive of the Mayor's Office for Policing and Crime).

(2) The Mayor's Office for Policing and Crime may appoint such other staff (in addition to the chief executive, and the chief finance officer appointed under section 127(2) of the Greater London Authority Act 1999) as the Office thinks appropriate to enable the Office to exercise its functions.

(3) A reference in any enactment to the officers of a functional body of the Greater London Authority is, in the case of the Mayor's Office for Policing and Crime, to be read as a reference to the staff of that Office.

Commencement Information
I148 Sch. 3 para. 2 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

3 (1) The Mayor's Office for Policing and Crime must appoint a person to act as chief executive, if and for as long as—

(a) that post is vacant, or

(b) the holder of that post is, in the opinion of the Mayor's Office for Policing and Crime, unable to carry out the duties of that post.

(2) A reference in any enactment to the chief executive of the Mayor's Office for Policing and Crime includes a reference to a person acting as chief executive in accordance with sub-paragraph (1).

Commencement Information
I149 Sch. 3 para. 3 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

The Deputy Mayor for Policing and Crime

4 (1) This paragraph applies to the person appointed under section 19 to be the Deputy Mayor for Policing and Crime.

(2) None of the following may be appointed as the Deputy Mayor for Policing and Crime—

(a) a person who has not attained the age of 18 on the day of appointment;

(b) a person who is subject to a relevant disqualification;

(c) a Member of the House of Commons;

(d) a member of the European Parliament;

(e) a member of the National Assembly for Wales;

(f) a member of the Scottish Parliament;

(g) a member of the Northern Ireland Assembly.

(3) The terms and conditions of a person who is appointed as the Deputy Mayor for Policing and Crime must provide for the appointment to end not later than the day when the current term of office of the occupant of the Mayor's Office for Policing and Crime ends.

(4) If, and for as long as, the person who is Deputy Mayor for Policing and Crime is a member of the London Assembly, the Deputy Mayor for Policing and Crime is not to be regarded as a member of staff of the Mayor's Office of Policing and Crime.

(5) But sub-paragraph (4) does not prevent the person who is the Deputy Mayor for Policing and Crime from receiving allowances and gratuities under paragraph 6.

(6) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the Deputy Mayor for Policing and Crime.

(7) In this paragraph "current term of office", in relation to the appointment of a member of staff by the occupant of the Mayor's Office for Policing and Crime, means the occupant's term of office which is running at the time the appointment is made.

(8) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under—

(a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or

(b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

Commencement Information

I150 Sch. 3 para. 4 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Notification of appointments

5 (1) This paragraph applies to every appointment of a member of staff of the Mayor's Office for Policing and Crime.

(2) The Mayor's Office for Policing and Crime must notify the London Assembly of—

(a) the name of the person appointed;

(b) the post to which the person has been appointed; and

(c) the terms and conditions on which the person has been appointed.

(3) In this paragraph, a reference to appointment of a person as a member of staff of the Mayor's Office for Policing and Crime includes a reference to a person who is already a member of staff of the Office being appointed to a different post within the staff of the Office.

Commencement Information

I151 Sch. 3 para. 5 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Remuneration etc of staff

6 (1) The Mayor's Office for Policing and Crime may pay remuneration, allowances and gratuities to the members of the staff of the Office.

(2) The Mayor's Office for Policing and Crime may pay—

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(a) pensions to, or in respect of, persons who have been members of the staff of the Office, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the staff of the Office.

(3) In this paragraph "allowances", in relation to a member of the staff of the Mayor's Office for Policing and Crime, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Commencement Information

I152 Sch. 3 para. 6 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Incidental powers

7 (1) The Mayor's Office for Policing and Crime may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office.

(2) That includes—

(a) entering into contracts and other agreements (whether legally binding or not);

(b) acquiring and disposing of property (including land);

(c) borrowing money.

(3) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of the Mayor's Office for Policing and Crime.

Commencement Information

I153 Sch. 3 para. 7 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Protection from personal liability

8 (1) A person who is the occupant of the Mayor's Office for Policing and Crime has no personal liability for an act or omission done by the person in the exercise of the functions of the office unless it is shown to have been done otherwise than in good faith.

(2) A person who is a member of staff of the Mayor's Office for Policing and Crime has no personal liability for an act or omission done by the person in the carrying out of duties as a member of staff unless it is shown to have been done otherwise than in good faith.

Commencement Information

I154 Sch. 3 para. 8 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Financial year

9 (1) The first financial year of the Mayor's Office for Policing and Crime is the period that—

(a) begins with the day on which section 3 comes into force, and
(b) ends with the relevant 31 March.

(2) After that, the financial year of the Mayor's Office for Policing and Crime is the period of 12 months ending with 31 March.

(3) In this paragraph "relevant 31 March", in relation to the first financial year of the Mayor's Office for Policing and Crime, means—
(a) if that financial year begins on or before 1 October, the first 31 March that falls after the beginning of the financial year;
(b) if that financial year begins after 1 October, the second 31 March that falls after the beginning of the financial year.

Commencement Information
I155 Sch. 3 para. 9 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

SCHEDULE 4

Section 4

COMMISSIONER OF POLICE OF THE METROPOLIS

Civilian staff

1 (1) The Commissioner of Police of the Metropolis must appoint a person to be responsible for the proper administration of the metropolitan police force's financial affairs (referred to in this Part as the metropolitan police force's chief finance officer).

(2) The Commissioner of Police of the Metropolis may appoint such other staff as the Commissioner thinks appropriate—
(a) to enable the Commissioner to exercise the Commissioner's functions, or
(b) otherwise to assist the metropolitan police force.

(3) Section 113 of the Local Government Finance Act 1988 applies to the chief finance officer of the Commissioner of Police of the Metropolis as it applies to the persons having responsibility for the administration of financial affairs mentioned in that section.

Commencement Information
I156 Sch. 4 para. 1 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 7(3))

2 (1) The Commissioner of Police of the Metropolis must appoint a qualified person to act as chief finance officer, if and for as long as—
(a) that post is vacant, or
(b) the holder of that post is, in the Commissioner's opinion, unable to carry out the duties of that post.

(2) For the purposes of sub-paragraph (1) a person is qualified to be appointed to act as chief finance officer if that person is qualified to be appointed to the post under paragraph 1.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(3) A reference in any enactment to the metropolitan police force's chief finance officer includes a reference to a person acting as chief finance officer in accordance with sub-paragraph (1).

Commencement Information
I157 Sch. 4 para. 2 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 7(3))

Remuneration etc of staff

3 (1) The Commissioner of Police of the Metropolis may pay remuneration, allowances and gratuities to the members of the metropolitan police force's civilian staff.

(2) The Commissioner of Police of the Metropolis may pay—
(a) pensions to, or in respect of, persons who have been members of the metropolitan police force's civilian staff, and
(b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the metropolitan police force's civilian staff.

(3) In this paragraph "allowances", in relation to a member of a metropolitan police force's civilian staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Commencement Information
I158 Sch. 4 para. 3 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Incidental powers

4 (1) The Commissioner of Police of the Metropolis may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Commissioner.

(2) That includes—
(a) entering into contracts and other agreements (whether legally binding or not), but only with the consent of the Mayor's Office for Policing and Crime;
(b) acquiring and disposing of property, apart from land, but only with the consent of the Mayor's Office for Policing and Crime.

(3) But the Commissioner of Police of the Metropolis may not borrow money.

(4) Sub-paragraph (3) does not require the Commissioner of Police of the Metropolis to obtain the consent of the Mayor's Office for Policing and Crime in order to enter into a contract or other agreement with a person—
(a) by virtue of which the person becomes, or is, a member of the metropolitan police force's civilian staff, or
(b) which otherwise relates to the person's membership of that civilian staff (including the terms and conditions of the person's membership).

(5) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of the Commissioner.

Commencement Information
I159 Sch. 4 para. 4 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Damages and costs in legal proceedings

5 (1) The following amounts must be paid out of the police fund kept by the Mayor's Office for Policing and Crime—

(a) any damages or costs awarded against the Commissioner of Police of the Metropolis in any proceedings brought against the Commissioner in respect of the acts or omissions of a member of the metropolitan police force's civilian staff;

(b) any costs incurred by the Commissioner of Police of the Metropolis in any such proceedings so far as not recovered by the Commissioner in the proceedings; and

(c) any sum required in connection with the settlement of any claim made against the Commissioner of Police of the Metropolis in respect of the acts or omissions of a member of the metropolitan police force's civilian staff, if the settlement is approved by the Mayor's Office for Policing and Crime.

(2) The Mayor's Office for Policing and Crime may, in such cases and to such extent as appear to the Office to be appropriate, pay out of the police fund kept by the Office—

(a) any damages or costs awarded against a member of the metropolitan police force's civilian staff in proceedings for any unlawful conduct of that person;

(b) any costs incurred and not recovered by such a member of staff in such proceedings; and

(c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

Commencement Information
I160 Sch. 4 para. 5 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Disciplinary action etc

6 Section 4(1) does not affect the application of regulations under section 50 of the Police Act 1996 to the constable who occupies the office of Commissioner of Police of the Metropolis.

Commencement Information
I161 Sch. 4 para. 6 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 22/11/2012

SCHEDULE 5

Section 26

ISSUING PRECEPTS

. . . . . .

SCHEDULE 6

Section 28

POLICE AND CRIME PANELS

PART 1

TYPE OF PANEL WHICH POLICE AREA IS TO HAVE

England

1 (1) Each police area in England, other than the metropolitan police district, is to have a police and crime panel established and maintained in accordance with Part 2 of this Schedule.

(2) But the Secretary of State may, by order, provide that any such police area is to have (for as long as the order has effect) a police and crime panel established and maintained in accordance with Part 3 of this Schedule (instead of a panel established and maintained in accordance with Part 2).

(3) The Secretary of State may make an order under sub-paragraph (2) in relation to a single-authority police area only if the Secretary of State is of the opinion that the relevant local authority has failed to nominate or appoint one or more of its councillors as members of the panel in accordance with paragraphs 6 and 9.

(4) The Secretary of State may make an order under sub-paragraph (2) in relation to a multi-authority police area only if the Secretary of State is of the opinion that all the relevant local authorities have (whether at the same time or at different times) failed to nominate or appoint one or more of their councillors as members of the panel—

(a) in accordance with paragraphs 7 and 9 (in the case of a police area which covers ten or more local authorities), or

(b) in accordance with paragraphs 8 and 9 (in the case of a police area which covers nine or fewer local authorities).

Commencement Information

I162 Sch. 6 para. 1 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Wales

2 Each police area in Wales is to have a police and crime panel established and maintained in accordance with Part 3 of this Schedule.

Commencement Information
I163 Sch. 6 para. 2 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

PART 2

PANELS ESTABLISHED BY LOCAL AUTHORITIES

Establishment and maintenance of panels

3 (1) This Part of this Schedule applies in relation to each police area in England (other than the metropolitan police district), unless an order under paragraph 1(2) has effect in relation to the police area.

(2) The local authority or local authorities which such a police area covers must—
(a) establish and maintain a police and crime panel for the police area, and
(b) make the panel arrangements (see paragraph 24) for the police and crime panel.

(3) In the case of a multi-authority police area, all the relevant local authorities must agree to the making or modification of the panel arrangements.

(4) In the following provisions of this Part of this Schedule, a reference to a police and crime panel is a reference to a panel established and maintained in accordance with this paragraph.

Modifications etc. (not altering text)
C1 Sch. 6 para. 3(3) modified (3.10.2012) by The Police and Crime Panels (Modification of Functions) Regulations 2012 (S.I. 2012/2504), regs. 1, **2**

Commencement Information
I164 Sch. 6 para. 3 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Membership and status

4 (1) A police and crime panel for a police area is to consist of the following members—
(a) the relevant number of persons properly appointed as members of the panel; and
(b) the appropriate number of members co-opted by the panel.

(2) For the purposes of sub-paragraph (1)(a), the "relevant number" is—
(a) ten (if the police area covers ten or fewer local authorities); or
(b) the number that is equal to the number of local authorities which the police area covers (if the police area covers eleven or more local authorities).

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(3) For the purposes of sub-paragraph (1)(b), the "appropriate number" is—
- (a) two, or
- (b) if a resolution of the panel under sub-paragraph (4) is in force, the number of co-opted members specified in that resolution.

(4) A police and crime panel may resolve that the panel is to have the number of co-opted members specified in the resolution; but no such resolution may be passed unless—
- (a) that number of co-opted members is greater than two;
- (b) the Secretary of State agrees that the panel should have that number of co-opted members; and
- (c) the total membership of the panel, including that number of co-opted members, would not exceed 20.

(5) A police and crime panel is—
- (a) a committee of the relevant local authority (if it is the panel for a single-authority police area), or
- (b) a joint committee of the relevant local authorities (if it is the panel for a multi-authority police area).

(6) A police and crime panel may not exercise any functions other than those conferred by this Act.

Commencement Information
I165 Sch. 6 para. 4 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Persons properly appointed as members of panels

5 (1) In this Part of this Schedule, a reference to a person properly appointed as a member of a police and crime panel is a reference to—
- (a) a person nominated by a relevant local authority to be a member of the panel, and appointed by the authority as a member of the panel, in accordance with paragraphs 6 and 9, paragraphs 7 and 9, or paragraphs 8 and 9, or
- (b) a person nominated by the Secretary of State to be a member of the panel, and appointed by the Secretary of State as a member of the panel, in accordance with paragraph 10.

(2) In the case of the police and crime panel for a multi-authority police area which covers nine or fewer local authorities, the panel arrangements must make provision as to the relevant local authority or authorities who are to have power to appoint the extra members of the panel (see paragraph 8(3)(b)).

(3) For that purpose "extra members" means the number of members of the panel produced by this calculation—

$$10 - L$$

where L is the number of local authorities which the police area covers.

Commencement Information
I166 Sch. 6 para. 5 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Single-authority police area: nomination by local authority

6 (1) This paragraph applies in relation to the police and crime panel for a single-authority police area.

(2) If the number of appointed members of the police and crime panel is less than the full complement, the relevant local authority may nominate the appropriate number of its councillors to be members of the police and crime panel.

(3) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.

(4) In this paragraph—

"appropriate number" means the number that is equal to the difference between—

(a) the full complement; and

(b) the number of appointed members of the panel;

"full complement" means ten members.

Commencement Information
I167 Sch. 6 para. 6 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Police area covering ten or more local authorities: nomination by local authority

7 (1) This paragraph applies in relation to the police and crime panel for a police area which covers ten or more local authorities.

(2) In a case where—

(a) the number of appointed members of the police and crime panel is less than the full complement, and

(b) there is no member of the panel who was appointed by a particular relevant local authority,

the authority may nominate one of its councillors to be a member of the police and crime panel.

(3) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.

(4) In this paragraph, "full complement" means the number of appointed members which the panel is to have by virtue of paragraph 4(1)(a).

Commencement Information
I168 Sch. 6 para. 7 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Multi-authority police area covering nine or fewer local authorities: nomination by local authority

8 (1) This paragraph applies in relation to the police and crime panel for a multi-authority police area which covers nine or fewer local authorities.

(2) In a case where—

(a) the number of appointed members of the police and crime panel is less than the full complement,

(b) a particular relevant local authority does not have power under the panel arrangements to appoint an extra member of the panel (see paragraph 5(2)), and

(c) there is no member of the panel who was appointed by the authority,

the authority may nominate one of its councillors to be a member of the police and crime panel.

(3) In a case where—

(a) the number of appointed members of the police and crime panel is less than the full complement,

(b) a particular relevant local authority has power under the panel arrangements to appoint one or more extra members of the panel (see paragraph 5(2)), and

(c) the number of members of the panel who are members by virtue of appointment by the authority is less than the authority's quota of members,

the authority may nominate the permitted number of its councillors to be members of the police and crime panel.

(4) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.

(5) In this paragraph, in relation to a police and crime panel and a relevant local authority—

"full complement" means ten members;

"permitted number" means the number that is equal to the difference between—

(a) the authority's quota of members; and

(b) the number of members of the panel who are members by virtue of appointment by the authority;

"quota of members" means the number of members calculated by adding one to the number of extra members of the panel which the authority has power to appoint under the panel arrangements (see paragraph 5(2)).

Commencement Information

I169 Sch. 6 para. 8 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Appointment after nomination by local authority

9 (1) This paragraph applies where a relevant local authority makes a nomination under paragraph 6, 7 or 8.

(2) If the nominee accepts the nomination, the relevant local authority may appoint the nominated councillor as a member of the panel.

(3) If the nominee does not accept the nomination, the relevant local authority may nominate another of its councillors to be a member of the police and crime panel (and sub-paragraph (2) or this sub-paragraph applies accordingly, as if the nomination were made under paragraph 6, 7 or 8).

Commencement Information
I170 Sch. 6 para. 9 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Failure of local authority to appoint member: nomination and appointment by Secretary of State

10 (1) This paragraph applies if the Secretary of State is satisfied that—
- (a) the number of appointed members of a police and crime panel is less than the full complement, and
- (b) a relevant local authority (the "defaulting local authority")—
  - (i) has failed to nominate or appoint one or more of its councillors as members of the panel in accordance with paragraphs 6 and 9, paragraphs 7 and 9, or paragraphs 8 and 9, or
  - (ii) does not have power to make such a nomination and appointment because of paragraph 6(3), 7(3) or 8(4).

(2) The Secretary of State must nominate the appropriate number of persons who are councillors of relevant local authorities to be members of the police and crime panel.

(3) Sub-paragraph (4) or (5) applies in relation to each nomination which the Secretary of State is required to make under sub-paragraph (2).

(4) If the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the panel.

(5) If the nominee does not accept the nomination, the Secretary of State must nominate another person who is a councillor of a relevant local authority to be a member of the police and crime panel (and sub-paragraph (4) or this sub-paragraph applies accordingly, as if the nomination were made under sub-paragraph (2)).

(6) In complying with this paragraph in relation to the police and crime panel for a multi-authority police area, the Secretary of State must secure (as far as is reasonably practicable) that the fair representation objective is met.

(7) The "fair representation objective" referred to in sub-paragraph (6) is—
- (a) in the case of a police area which covers ten or more local authorities, the objective that each relevant local authority has only one of its councillors as a member of the panel;
- (b) in the case of a police area which covers nine or fewer local authorities, the objective that each relevant local authority has at least one of its councillors as a member of the panel.

(8) If the Secretary of State—

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(a) is satisfied that a relevant local authority has failed to nominate or appoint one or more of its councillors as members of the panel as mentioned in sub-paragraph (1) (b), and

(b) is considering whether to exercise, has decided to exercise, or has exercised, the power under this paragraph to make a nomination,

the Secretary of State may give the authority notice that the Secretary of State is satisfied as mentioned in paragraph (a) of this sub-paragraph.

(9) A notice given under sub-paragraph (8) may be withdrawn by the Secretary of State at any time.

(10) For the purposes of sub-paragraph (1) (b) (i), it is irrelevant that a relevant local authority which has failed to nominate or appoint a councillor as a member of the panel—

(a) may have power under any of paragraphs 6 to 9 to make a further nomination; or

(b) is complying with, or has complied with, the panel arrangements relating to that panel.

(11) In this paragraph—

"appropriate number" means the number that is equal to the difference between—

(a) the full complement; and

(b) the number of appointed members of the panel;

"full complement" means the number of appointed members which the panel is to have by virtue of paragraph 4(1)(a).

Commencement Information

I171 Sch. 6 para. 10 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Costs of the panel

11 (1) This paragraph applies to a multi-authority panel.

(2) The panel arrangements must make provision about—

(a) how the relevant local authorities are to meet the costs of the panel; and

(b) insofar as the provision is necessary, how funds paid (whether by the Secretary of State or otherwise) to meet the costs of the panel are to be paid to, or distributed between, the relevant local authorities.

Commencement Information

I172 Sch. 6 para. 11 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

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PART 3

PANELS ESTABLISHED BY THE SECRETARY OF STATE

Establishment and maintenance of panels

12 (1) This Part of this Schedule applies in relation to—
(a) each police area in Wales, and
(b) each police area in England in relation to which an order under paragraph 1(2) has effect.

(2) The Secretary of State must—
(a) establish and maintain a separate police and crime panel for each police area to which this Part of this Schedule applies, and
(b) make the panel arrangements (see paragraph 24) for each police and crime panel established and maintained in accordance with this paragraph.

(3) The Secretary of State may make different panel arrangements for different police and crime panels.

(4) In the following provisions of this Part of this Schedule, a reference to a police and crime panel is a reference to a panel established and maintained in accordance with this paragraph.

Commencement Information
I173 Sch. 6 para. 12 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Membership and status

13 (1) A police and crime panel for a police area is to consist of the following members—
(a) the relevant number of persons appointed by the Secretary of State as members of the panel; and
(b) the appropriate number of members co-opted by the panel.

(2) For the purposes of sub-paragraph (1) (a), the "relevant number" is—
(a) ten (if the police area covers ten or fewer local authorities); or
(b) the number that is equal to the number of local authorities which the police area covers (if the police area covers eleven or more local authorities).

(3) For the purposes of sub-paragraph (1)(b), the "appropriate number" is—
(a) two, or
(b) if a resolution of the panel under sub-paragraph (4) is in force, the number of co-opted members specified in that resolution.

(4) A police and crime panel may resolve that the panel is to have the number of co-opted members specified in the resolution; but no such resolution may be passed unless—
(a) that number of co-opted members is greater than two;
(b) the Secretary of State agrees that the panel should have that number of co-opted members; and
(c) the total membership of the panel, including that number of co-opted members, would not exceed 20.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(5) A police and crime panel is not a committee or joint committee of any local authority or local authorities.

Commencement Information
I174 Sch. 6 para. 13 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Wales: persons appointed by the Secretary of State as members of panels

14 In this Part of this Schedule, a reference to a person appointed by the Secretary of State as a member of a Welsh police and crime panel is a reference to—

(a) a person nominated by a relevant local authority to be a member of the panel, and appointed by the Secretary of State as a member of the panel, in accordance with paragraph 16 (2) to (4)(a), or

(b) a person nominated by the Secretary of State to be a member of the panel, and appointed by the Secretary of State as a member of the panel, in accordance with paragraph 16 (4)(b) to (6).

Commencement Information
I175 Sch. 6 para. 14 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Wales: Secretary of State to ask local authorities to nominate members of panels

15 (1) This paragraph applies in relation to a Welsh police and crime panel if the Secretary of State is satisfied that the number of appointed members of the panel is less than the full complement.

(2) In the case of a police and crime panel for a single-authority police area, the Secretary of State must ask the relevant local authority to nominate the appropriate number of the authority's councillors to be members of the panel.

(3) In the case of a police and crime panel for a multi-authority police area, the Secretary of State must—

(a) decide which of the relevant local authorities to ask to make nominations under this sub-paragraph (the "nominating authorities");

(b) decide what number of nominations under this sub-paragraph each nominating authority is to be asked to make; and

(c) ask each nominating authority to nominate that number of the authority's councillors to be members of the panel.

(4) In complying with sub-paragraph (3), the Secretary of State must secure—

(a) that the number of nominations which the nominating authority or authorities are asked to make (when taken together) is equal to the appropriate number; and

(b) that (as far as is reasonably practicable) the fair representation objective is met.

(5) The "fair representation objective" referred to in sub-paragraph (4)(b) is—

(a) in the case of a police area which covers ten or more local authorities, the objective that each relevant local authority has only one of its councillors as a member of the panel;

(b) in the case of a police area which covers nine or fewer local authorities, the objective that each relevant local authority has at least one of its councillors as a member of the panel.

(6) In this paragraph—

"appropriate number" means the number that is equal to the difference between—

(a) the full complement; and

(b) the number of appointed members of the panel;

"full complement" means the number of appointed members which the panel is to have by virtue of paragraph 13(1)(a).

Commencement Information

I176 Sch. 6 para. 15 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Wales: consequences of Secretary of State asking local authorities to make nominations

16 (1) This paragraph applies if, under paragraph 15, the Secretary of State asks a relevant local authority to nominate a councillor to be a member of a Welsh police and crime panel.

(2) The authority may make the nomination.

(3) If the authority makes the nomination, and the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the police and crime panel.

(4) If the authority fails to make the nomination, or the nominee does not accept the nomination, the Secretary of State must either—

(a) ask the authority to make another nomination (and sub-paragraph (2), and sub-paragraph (3) or this sub-paragraph, apply accordingly, as if the request were made under paragraph 15); or

(b) nominate a person who is a councillor of a relevant local authority to be a member of the police and crime panel.

(5) If the nominee accepts a nomination made under sub-paragraph (4)(b), the Secretary of State must appoint the nominated councillor as a member of the panel.

(6) If the nominee does not accept the nomination, the Secretary of State must nominate another person who is a councillor of a relevant local authority to be a member of the police and crime panel (and sub-paragraph (5) or this sub-paragraph applies accordingly, as if the nomination were made under sub-paragraph (4)(b)).

Commencement Information

I177 Sch. 6 para. 16 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

England: persons appointed by the Secretary of State as members of panels

17 In this Part of this Schedule, a reference to a person appointed by the Secretary of State as a member of an English police and crime panel is a reference to a person who has been appointed by the Secretary of State as a member of the panel in accordance with paragraph 18.

Commencement Information
I178 Sch. 6 para. 17 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

England: nomination and appointment of members of panels by Secretary of State

18 (1) This paragraph applies in relation to an English police and crime panel if the Secretary of State is satisfied that the number of appointed members of the panel is less than the full complement.

(2) The Secretary of State must nominate the appropriate number of persons who are councillors of relevant local authorities to be members of the police and crime panel.

(3) Sub-paragraph (4) or (5) applies in relation to each nomination which the Secretary of State is required to make under sub-paragraph (2).

(4) If the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the panel.

(5) If the nominee does not accept the nomination, the Secretary of State must nominate another person who is a councillor of a relevant local authority to be a member of the police and crime panel (and sub-paragraph (4) or this sub-paragraph applies accordingly, as if the nomination were made under sub-paragraph (2)).

(6) In this paragraph—

"appropriate number" means the number that is equal to the difference between—

(a) the full complement; and

(b) the number of appointed members of the panel;

"full complement" means the number of appointed members which the panel is to have by virtue of paragraph 13(1)(a).

Commencement Information
I179 Sch. 6 para. 18 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Liabilities of panels

19 (1) All relevant liabilities relating to a police and crime panel are liabilities of the Secretary of State (and accordingly are not liabilities of any member of the panel).

(2) Any expense incurred by a member of a police and crime panel—

(a) in respect of a relevant liability, or

(b) otherwise in the exercise of, or purported exercise of, a function of the panel,

is to be borne and repaid by the Secretary of State.

(3) In this paragraph "relevant liability" means a liability which, but for this paragraph, would be a liability of a member of a police and crime panel (whether personally or as a member of that panel) in respect of anything done by—

(a) that person in the exercise, or purported exercise, of a function of a member of the panel,

(b) any other member of the panel in the exercise, or purported exercise, of a function of a member of the panel, or

(c) the panel in the exercise, or purported exercise, of a function of the panel.

Commencement Information

I180 Sch. 6 para. 19 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Provision of financial and other resources

20 (1) The Secretary of State may provide financial and other resources—

(a) to a police and crime panel in connection with the exercise of the panel's functions;

(b) to the members of a police and crime panel in connection with the exercise of their functions; and

(c) to one or more of the relevant local authorities covered by a police area in connection with the exercise of functions by—

(i) such an authority in relation to the police and crime panel for that police area,

(ii) that panel, or

(iii) the members of that panel.

(2) The Secretary of State may provide financial or other resources under sub-paragraph (1) subject to conditions.

(3) In the case of resources provided under sub-paragraph (1) (c), the conditions which may be imposed include conditions requiring a relevant local authority to pass resources to, or share resources with, another relevant local authority.

(4) The power under this paragraph to provide resources is in addition to the duty under paragraph 19(2).

Commencement Information

I181 Sch. 6 para. 20 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

PART 4

GENERAL PROVISIONS

Restrictions on membership of panel

21 The police and crime commissioner for a police area may not be a member of the police and crime panel for the area.

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Commencement Information
I182 Sch. 6 para. 21 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

22 A person may not be a co-opted member of the police and crime panel for a police area if the person is any of the following—
(a) a member of the staff of the police and crime commissioner for that police area;
(b) a member of the civilian staff of the police force for that police area;
(c) a Member of Parliament;
(d) a member of the National Assembly for Wales;
(e) a member of the Scottish Parliament;
(f) a member of the European Parliament.

Commencement Information
I183 Sch. 6 para. 22 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

23 (1) If the police and crime panel for a police area has two co-opted members, a member of a local authority which is covered by that police area may not be a co-opted member of that panel.

(2) If the police and crime panel for a police area has three or more co-opted members, a member of a local authority which is covered by that police area may be a co-opted member of that panel only if at least two of the other co-opted members are not members of any such local authority.

Commencement Information
I184 Sch. 6 para. 23 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Panel arrangements

24 (1) Panel arrangements are arrangements for the establishment and maintenance of a police and crime panel.

(2) Panel arrangements must make provision about the co-option of, and holding of office by, the co-opted members of the police and crime panel.

(3) Panel arrangements must include provision about—
(a) the term of office of appointed members and co-opted members of the panel;
(b) resignation, and removal, of appointed members and co-opted members of the panel;
(c) conditions for re-appointment of appointed members and co-opted members of the panel.

(4) Panel arrangements may not make rules of procedure for the police and crime panel (as to which see paragraph 25).

(5) Panel arrangements may make different provision for different cases.

(6) The following persons must comply with the panel arrangements relating to a police and crime panel—
  (a) each relevant local authority;
  (b) each member of the police and crime panel.

Commencement Information
I185 Sch. 6 para. 24 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Rules of procedure

25 (1) A police and crime panel must make rules of procedure for the panel.

(2) A police and crime panel's rules of procedure must make provision about the appointment, resignation and removal of a person to chair the panel.

(3) The police and crime panel's rules of procedure may, in particular, make provision about—
  (a) the method of making decisions, and
  (b) the formation of sub-committees.

(4) A sub-committee of a police and crime panel may not co-opt members.

(5) This paragraph is subject to paragraph 27.

Commencement Information
I186 Sch. 6 para. 25 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Voting by members

26 All members of a police and crime panel may vote in proceedings of the panel.

Commencement Information
I187 Sch. 6 para. 26 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Exercise of special functions

27 (1) The special functions of a police and crime panel may not be discharged by a committee or sub-committee of the panel.

(2) In this paragraph "special functions" means the functions conferred on a police and crime panel by—
  (a) section 28(3) (scrutiny of police and crime plan);
  (b) section 28(4) (scrutiny of annual report);
  (c) paragraphs 10 and 11 of Schedule 1;
  (d) Schedule 5 (issuing precepts); and
  (e) Part 1 of Schedule 8 (scrutiny of appointment of chief constables).

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Commencement Information
I188 Sch. 6 para. 27 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Allowances

28 The panel arrangements may make provision about the payment of allowances to members of the police and crime panel.

Commencement Information
I189 Sch. 6 para. 28 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Promotion of, and support, for panels

29 The panel arrangements must make provision for—
(a) the role of the police and crime panel to be promoted;
(b) administrative and other support to be given to the police and crime panel and its members;
(c) support and guidance to be given to—
(i) members of relevant local authorities,
(ii) members of the executives (if any) of relevant local authorities, and
(iii) officers of relevant local authorities,
in relation to the functions of the police and crime panel.

Commencement Information
I190 Sch. 6 para. 29 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Validity of proceedings

30 The validity of the proceedings of a police and crime panel is not affected by a vacancy in the membership of the panel or a defect in appointment.

Commencement Information
I191 Sch. 6 para. 30 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Duty to produce balanced panel

31 (1) In exercising functions under Part 2 or 3 of this Schedule, a relevant local authority must secure that (as far as is reasonably practicable) the balanced appointment objective is met.

(2) In exercising functions under Part 2 or 3 of this Schedule, the Secretary of State must secure that (as far as is reasonably practicable) the balanced appointment objective is met.

(3) A police and crime panel must, in co-opting persons who are members of relevant local authorities, secure that (as far is reasonably practicable) the balanced appointment objective is met.

(4) A police and crime panel—

(a) must, from time to time, decide whether the panel's exercise of the power conferred by paragraph 4(4) or 13(4) (changing the number of co-opted members of the panel) would enable the balanced appointment objective to be, or would contribute to that objective being, met or more effectively met; and

(b) if the panel decides that the exercise of the power would do so, must exercise that power accordingly.

(5) The "balanced appointment objective" referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—

(a) represent all parts of the relevant police area;

(b) represent the political make-up of—

(i) the relevant local authority, or

(ii) the relevant local authorities (when taken together);

(c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

(6) For that purpose "local authority members" means—

(a) appointed members of the police and crime panel, and

(b) co-opted members of the panel who are members of relevant local authorities.

Commencement Information

I192 Sch. 6 para. 31 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

32 In co-opting members who are not members of relevant local authorities, a police and crime panel must secure that (as far as is reasonably practicable) the appointed and co-opted members of the panel (when taken together) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Commencement Information

I193 Sch. 6 para. 32 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Duty to nominate elected mayor to be a member of the panel

33 (1) This paragraph applies if—

(a) a local authority has a mayor and cabinet executive, and

(b) the elected mayor of that executive is not a member of the relevant police and crime panel.

(2) If the relevant local authority has power under paragraph 6(2), 7(2), 8(2) or (3) or 16(2) to nominate one or more of its councillors to be members of that panel,

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any exercise of that power must be such as to secure that the elected mayor is the councillor, or one of the councillors, so nominated.

(3) If the Secretary of State is required by paragraph 10(2), 16(4)(b) or 18(2) to nominate one or more persons to be members of that panel, the Secretary of State must secure that the elected mayor is the person, or one of the persons, so nominated.

(4) The duty in sub-paragraph (2) or (3) does not apply at a particular time if the person who holds office as the elected mayor at that time (the "current mayor")—
- (a) has, since the start of the current mayoral term, already been nominated to be a member of that panel (whether by the relevant local authority or the Secretary of State), and
- (b) did not become a member of that panel by virtue of the nomination.

(5) But sub-paragraph (4) does not prevent the exercise of a power under this Schedule so as to make a further nomination of the current mayor to be a member of that panel.

Commencement Information
I194 Sch. 6 para. 33 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

34 (1) This paragraph applies if—
- (a) a local authority has a mayor and cabinet executive,
- (b) under paragraph 6(2), 7(2), 8(2) or (3) or 16(2) the local authority nominates the person who holds office as elected mayor of the executive at that time (the "current mayor") to be a member of the relevant police and crime panel,
- (c) that is the first such nomination of the current mayor since the start of the current mayoral term, and
- (d) the current mayor does not become a member of that panel by virtue of the nomination.

(2) The Secretary of State may not, by virtue of that failure of the current mayor to become a member of the police and crime panel, nominate a person to be a member of that panel under paragraph 10(2) or 16(4)(b).

Commencement Information
I195 Sch. 6 para. 34 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

35 (1) This paragraph applies for the purposes of paragraphs 33 and 34 and this paragraph.

(2) A reference to the start of the current mayoral term of a person who is the elected mayor of the executive of a local authority is a reference to the time when that person—
- (a) took office as elected mayor of that executive (if that person has been so elected on only one occasion), or
- (b) most recently took office as elected mayor of that executive (if that person has been so elected on two or more occasions).

(3) The "relevant police and crime panel", in relation to a local authority, is the police and crime panel for the police area which covers that authority.

(4) The expressions "elected mayor" and "mayor and cabinet executive" have the same meanings as in Part 2 of the Local Government Act 2000.

Commencement Information
I196 Sch. 6 para. 35 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Application of other legislation

36 (1) The Secretary of State may, by regulations—
(a) amend or otherwise modify any local authority enactment in its application to police and crime panels or members of police and crime panels, and
(b) apply any local authority enactment (with or without modifications) to police and crime panels or members of police and crime panels if, or to the extent that, it does not so apply.

(2) In this paragraph "local authority enactment" means an enactment which relates to—
(a) local authorities or committees or joint committees of local authorities, or
(b) members of such authorities, committees or joint committees.

Commencement Information
I197 Sch. 6 para. 36 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Regulations about notifications

37 The Secretary of State may, by regulations, make provision about notifications to be given by persons in relation to—
(a) their compliance, or failure to comply, with any duty imposed under this Schedule; or
(b) their exercise, or failure to exercise, any power conferred under this Schedule.

Commencement Information
I198 Sch. 6 para. 37 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Regulations about making nominations

38 (1) The Secretary of State may, by regulations, make provision about—
(a) the making of nominations (including provision about when nominations lapse);
(b) the notification of nominations (whether to the nominee or any other person); and
(c) the acceptance and refusal of nominations (including provision about when nominations are to be treated as having been accepted or refused).

(2) In this paragraph "nomination" means a nomination by a relevant local authority or the Secretary of State of a person to be a member of a police and crime panel.

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Commencement Information
I199 Sch. 6 para. 38 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Regulations about making appointments

39 (1) The Secretary of State may, by regulations, make provision about—
(a) the making of appointments;
(b) the notification of appointments (whether to the appointee or any other person); and
(c) the termination of appointments (including provision about when appointments are to be treated as having been terminated).

(2) In this paragraph "appointment" means—
(a) the appointment by a relevant local authority or the Secretary of State of a person as a member of a police and crime panel, and
(b) the co-option by a police and crime panel of a person to be a member of the panel.

Commencement Information
I200 Sch. 6 para. 39 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Regulations about modification etc of functions

40 (1) The Secretary of State may, by regulations, make provision for modifying, suspending, transferring or removing relevant functions insofar as they are exercisable in relation to police and crime panels in respect of which the Secretary of State is, or has been, required to nominate members.

(2) In this paragraph, "relevant functions" means functions conferred on relevant local authorities or the Secretary of State by this Schedule.

Commencement Information
I201 Sch. 6 para. 40 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

Interpretation

41 (1) A reference in this Schedule to a police area which covers a local authority is a reference to a police area whose area is the same as, or includes, all or part of the local authority's area.

(2) The circumstances in which a relevant local authority may be taken, for the purposes of this Schedule, to have failed to nominate or appoint a councillor as a member of a police and crime panel include circumstances where a councillor who is nominated and appointed fails to remain as a member of the panel for such a period as the Secretary of State considers reasonable.

(3) In this Schedule—

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"appointed member" means a member of a police and crime panel by virtue of paragraph 4(1)(a) or 13(1)(a);

"co-opted member" means a member of a police and crime panel by virtue of paragraph 4(1)(b) or 13(1)(b);

"councillor", in relation to a local authority, means a person who—

(a) is a member of the local authority, or

(b) is the elected mayor of a mayor and cabinet executive (within the meaning of Part 2 of the Local Government Act 2000) of a relevant local authority;

"English police and crime panel" means a police and crime panel for a police area in England;

"local authority" means—

(a) in relation to England, a county council or a district council;

(b) in relation to Wales, a county council or a county borough council;

"multi-authority police area" means a police area which covers two or more local authorities;

"panel arrangements" means the arrangements referred to in paragraph 24;

"relevant local authority", in relation to a police area, means a local authority which the police area covers;

"single-authority police area" means a police area which covers only one local authority;

"Welsh police and crime panel" means a police and crime panel for a police area in Wales.

Commencement Information

I202 Sch. 6 para. 41 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(e)**

SCHEDULE 7

Section 31

REGULATIONS ABOUT COMPLAINTS AND CONDUCT MATTERS

Introduction

1 (1) In this Schedule—

"conduct matter" has the same meaning as in section 31;

"police force" means a police force maintained for a police area in England or Wales or any other police force which exercises functions in England or Wales;

"qualifying complaint" has the same meaning as in section 31;

"regulations" means regulations under section 31.

(2) The provisions of this Schedule that confer power to make particular kinds of regulations do not affect the generality of the power conferred by section 31.

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Commencement Information
I203 Sch. 7 para. 1 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(d)**

Investigation of serious complaints

2 (1) This paragraph applies to—
(a) serious complaints, and
(b) conduct matters,
which relate to any relevant office holder.

(2) Regulations must provide for serious complaints and conduct matters to be investigated—
(a) by the Independent Police Complaints Commission, or
(b) by a police force, in an investigation that is under the management of the Independent Police Complaints Commission.

(3) This paragraph does not prevent regulations from making provision about the receipt or initial handling of serious complaints or conduct matters otherwise than by the Independent Police Complaints Commission or a police force.

(4) This paragraph does not prevent regulations from making provision about—
(a) circumstances in which serious complaints or conduct matters are not to be investigated; and
(b) circumstances in which investigations of serious complaints or conduct matters are to be discontinued;
including provision about the determination of such matters (whether by the Independent Police Complaints Commission, a police force or otherwise).

(5) Regulations may make provision about what is to be taken to be a criminal offence for the purposes of sub-paragraph (6).

(6) In this paragraph "serious complaint" means a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.

Commencement Information
I204 Sch. 7 para. 2 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(d)**

Resolution of other complaints

3 (1) This paragraph applies in relation to qualifying complaints which—
(a) relate to a holder of the office of—
(i) police and crime commissioner,
(ii) deputy police and crime commissioner, or
(iii) Deputy Mayor for Policing and Crime (unless the holder of that office is a member of the London Assembly), and
(b) are not, or cease to be, investigated by the Independent Police Complaints Commission or a police force.

(2) Regulations—

(a) may not provide for the investigation of such complaints; but

(b) must provide for police and crime panels to engage in informal resolution of such complaints.

(3) This paragraph does not prevent regulations from making provision about the receipt or initial handling of qualifying complaints otherwise than by police and crime panels.

(4) This paragraph does not prevent regulations from making provision about—

(a) circumstances in which police and crime panels are not required to engage in informal resolution of such complaints; and

(b) circumstances in which informal resolution of such complaints is to be discontinued;

including provision about the determination of such matters (whether by police and crime panels or otherwise).

(5) In this Schedule—

(a) references to engaging in informal resolution of a complaint are references to encouraging, facilitating, or otherwise assisting in, the resolution of the complaint otherwise than by legal proceedings; and

(b) references to informal resolution of a complaint are to be construed accordingly.

Commencement Information

I205 Sch. 7 para. 3 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(d)**

4 (1) This paragraph applies in relation to qualifying complaints which—

(a) relate to a holder of the office of—

(i) the Mayor's Office for Policing and Crime, or

(ii) Deputy Mayor for Policing and Crime, if the holder of that office is a member of the London Assembly, and

(b) are not, or cease to be, investigated by the Independent Police Complaints Commission or a police force.

(2) Regulations must secure that such complaints are dealt with in accordance with Part 3 of the Local Government Act 2000.

Commencement Information

I206 Sch. 7 para. 4 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(d)**

Conferral of functions

5 (1) Regulations may confer functions on—

(a) the Independent Police Complaints Commission,

(b) a police force,

(c) police and crime panels,

(d) the Secretary of State, or

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(e) any other person.

(2) That includes functions involving the exercise of a discretion.

Commencement Information
I207 Sch. 7 para. 5 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(d)**

No power to terminate holding of office or employment

6 (1) Regulations may not provide for a relevant office holder—
(a) to cease to hold office, or
(b) to be required to cease to hold office.

(2) But that does not apply to regulations under, or for the purposes of, paragraph 4.

Commencement Information
I208 Sch. 7 para. 6 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(d)**

Application and amendment of other enactments

7 (1) Regulations may apply (with or without modifications), or amend or otherwise modify, Part 2 of the Police Reform Act 2002.

(2) Regulations may apply (with or without modifications) such other enactments, or make such amendments or other modifications of other enactments, as appear to the Secretary of State to be necessary or expedient—
(a) in connection with, or in consequence of, regulations, or
(b) for the purposes of paragraph 4.

Commencement Information
I209 Sch. 7 para. 7 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(d)**

VALID FROM 22/11/2012

SCHEDULE 8

Section 38

APPOINTMENT, SUSPENSION AND REMOVAL OF SENIOR POLICE OFFICERS

. . . . . .

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

SCHEDULE 9

Section 57

SUPPLEMENTARY VOTE SYSTEM

Application

1 This Schedule applies to an election under Chapter 6 of Part 1 of a police and crime commissioner for a police area at which there are three or more candidates.

Commencement Information
I210 Sch. 9 para. 1 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(f)**

First preference vote and second preference vote

2 In this Schedule—

"first preference vote" means a vote to the extent that it is given so as to indicate a first preference from among the candidates to be the police and crime commissioner;

"second preference vote" means a vote to the extent that it is given so as to indicate a second preference from among the candidates to be the police and crime commissioner.

Commencement Information
I211 Sch. 9 para. 2 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(f)**

Candidate with overall majority of first preference votes

3 If one of the candidates to be the police and crime commissioner receives more than half of all the first preference votes given in the police area, that candidate is to be returned as the police and crime commissioner.

Commencement Information
I212 Sch. 9 para. 3 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(f)**

No candidate with overall majority of first preference votes

4 (1) If none of the candidates to be the police and crime commissioner receives more than half of all the first preference votes given in the police area, the following provisions of this paragraph apply.

(2) The two candidates who received the greatest number of first preference votes given in the police area remain in the contest.

(3) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (2), all of them remain in the contest.

(4) The other candidates are eliminated from the contest.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(5) The number of second preference votes given in the police area for each of the candidates remaining in the contest by votes which did not give a first preference vote to any of those candidates must be ascertained.

(6) That number must be added to the number of first preference votes given for that candidate, to give the total number of preference votes for that candidate.

(7) The person who is to be returned as the police and crime commissioner for the police area is that one of the candidates remaining in the contest who has the greatest total number of preference votes.

(8) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest total number of preference votes, the police area returning officer must decide by lots which of them is to be returned as the police and crime commissioner.

Commencement Information
I213 Sch. 9 para. 4 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(f)**

SCHEDULE 10

Section 74

ELECTIONS OF POLICE AND CRIME COMMISSIONERS: CONSEQUENTIAL AMENDMENTS

Local Government Act 1972

1 The Local Government Act 1972 is amended as follows.

Commencement Information
I214 Sch. 10 para. 1 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

2 In section 67 (consequential and transitional arrangements relating to Part 4), after subsection (5) insert—

"(5A) Without prejudice to subsection (5), an order under section 58 which makes provision altering any police areas may make provision as to who is to be a police and crime commissioner, including—

(a) provision for the police and crime commissioner for a police area affected by the order to become the police and crime commissioner for a police area resulting from the order;

(b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.

(5B) Such an order which includes provision within subsection (5A)(b) may, in particular, require the election in question to be held before the alteration of police areas takes effect."

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I215 Sch. 10 para. 2 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

Representation of the People Act 1983

3 In section 13B(4) of the Representation of the People Act 1983 (alteration of registers: pending elections), omit "and" at the end of paragraph (d) and after paragraph (f) insert "and

(g) elections of police and crime commissioners in England and Wales."

Commencement Information
I216 Sch. 10 para. 3 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

Police Act 1996

4 The Police Act 1996 is amended as follows.

Commencement Information
I217 Sch. 10 para. 4 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

5 (1) Section 32 (power to alter police areas by order) is amended as follows.

(2) In subsection (3)(a), for "police authority" substitute " local policing body ".

(3) In subsection (4), after "ensure that" insert " no police area falls partly in England and partly in Wales and that ".

Commencement Information
I218 Sch. 10 para. 5 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

6 In section 33(1)(a) (objection to alterations proposed by Secretary of State) for "police authority" substitute " local policing body ".

Commencement Information
I219 Sch. 10 para. 6 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

7 (1) Section 34 (orders altering police areas: supplementary provisions) is amended as follows.

(2) For subsection (1)(a), substitute—

"(a) provision as to who is to be a police and crime commissioner;".

(3) After subsection (1) insert—

"(1A) Provision falling within subsection (1)(a) includes, in particular—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(a) provision for the police and crime commissioner for a police area affected by the order to become the police and crime commissioner for a police area resulting from the order;

(b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order."

(4) In subsection (2)—

(a) omit "and" at the end of paragraph (a), and

(b) after paragraph (b) insert "and

(c) to apply (with or without modification) any provision of, or made under, Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011."

(5) After subsection (2) insert—

"(2A) An order under section 32 which includes provision within subsection (1A)(b) may, in particular require the election in question to be held before the alteration of police areas takes effect."

Commencement Information

I220 Sch. 10 para. 7 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

Political Parties, Elections and Referendums Act 2000

8 The Political Parties, Elections and Referendums Act 2000 is amended as follows.

Commencement Information

I221 Sch. 10 para. 8 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

9 In section 5 (reports on elections and referendums)—

(a) in subsection (2), after paragraph (e) insert—

"(f) an ordinary election of police and crime commissioners.";

(b) in subsection (2A), omit "or" after paragraph (b), and after paragraph (c) insert "or

(d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner),".

Commencement Information

I222 Sch. 10 para. 9 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

10 In section 6A (attendance of representatives of Commission at elections), in subsection (5), after paragraph (d) insert—

"(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I223 Sch. 10 para. 10 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

11 In section 7 (Commission to be consulted on changes to electoral law), in subsection (2), after paragraph (h) insert—

"(ha) an order under subsection (1)(b) of section 54 of the Police Reform and Social Responsibility Act 2011 (designations of returning officers for elections of persons as police and crime commissioners in England and Wales);

(hb) regulations under subsection (2) of that section (functions of returning officers and local returning officers for such elections);

(hc) an order under section 58 of that Act (conduct of elections of persons as police and crime commissioners in England and Wales);".

Commencement Information
I224 Sch. 10 para. 11 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

PROSPECTIVE

12 In section 8 (powers with respect to elections exercisable only on Commission recommendation), in subsection (3), after paragraph (c) insert—

"(d) the making of orders under section 58 of the Police Reform and Social Responsibility Act 2011 so far as relating to the matters mentioned in subsection (2)(d) of that section (funding and expenditure of candidates, political parties and other persons in connection with elections of persons as police and crime commissioners in England and Wales)."

13 In section 9A (setting of performance standards), in subsection (6), after paragraph (d) insert—

"(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);".

Commencement Information
I225 Sch. 10 para. 13 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

Local Government and Public Involvement in Health Act 2007

14 (1) Section 15 of the Local Government and Public Involvement in Health Act 2007 (structural and boundary change in England: incidental etc provision in orders or regulations) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for "police authority" in both places where it occurs substitute " local policing body ";

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(b) after paragraph (f) insert—

"(fa) as to who is to be a police and crime commissioner;".

(3) After subsection (1) insert—

"(1A) Provision falling within subsection (1)(fa) includes, in particular—

(a) provision for the police and crime commissioner for a police area affected by an order by virtue of provision made under section 11(4)(g) to become the police and crime commissioner for a police area resulting from the order;

(b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order."

(4) After subsection (3) insert—

"(3A) Without prejudice to subsection (2), an order under section 7 or 10 which includes provision within subsection (1A)(b) may, in particular, require the election in question to be held before the alteration of police areas takes effect."

Commencement Information

I226 Sch. 10 para. 14 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(g)**

SCHEDULE 11

Section 88

CRIME AND DISORDER STRATEGIES

1 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I227 Sch. 11 para. 1 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

2 (1) Section 5 (authorities responsible for strategies) is amended as follows.

(2) Omit subsection (1)(c).

(3) For subsections (1A) and (1B) substitute—

"(1A) The relevant local policing body in relation to two or more local government areas in England may make a combination agreement with the responsible authorities in relation to those areas (the "combined area").

(1B) A combination agreement is an agreement for the functions conferred by or under section 6 or by section 7 to be carried out in relation to the combined area as if it constituted only one local government area.

(1BA) The responsible authorities in relation to a combined area are all the persons who are the responsible authorities in relation to each local government area that falls within the combined area.

(1BB) Section 5A contains further provision about the making and contents of combination agreements.”.

(4) In subsection (1C) for “An order under subsection (1A) above” substitute “ A combination agreement ”.

(5) In subsection (1D), in the definition of “crime and disorder scrutiny functions”, for “an order under subsection (1A) above” substitute “ a combination agreement ”.

(6) After subsection (1D) insert—

“(1E) The “relevant local policing body”, in relation to a combined area, is—

(a) if the area falls (wholly or partly) within the police area of a police and crime commissioner, the commissioner,

(b) if the area falls (wholly or partly) within the metropolitan police district, the Mayor's Office for Policing and Crime, and

(c) if the area falls partly within the City of London, the Secretary of State.

(1F) If there is more than one relevant local policing body in relation to a combined area by virtue of subsection (1E), the references in subsection (1A) above and section 5A(2) to the relevant local policing body in relation to the combined area are references to each of the relevant local policing bodies for that area acting jointly.”.

(7) In subsection (2) for “those functions” substitute “ the functions conferred by or under section 6 ”.

(8) In subsection (5), omit—

(a) the word “and” at the end of the definition of “fire and rescue authority”, and

(b) the definition of “police authority”.

Commencement Information

I228 Sch. 11 para. 2 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 6(a))

3 After section 5 insert—

“**5A Combination agreements: further provision**

(1) A combination agreement for a combined area may be made only if every responsible authority in relation to that area is a party to the agreement.

(2) The relevant local policing body for a combined area may enter into a combination agreement for that area only if it considers that it would be in the interests of one or more of the following to do so—

(a) reducing crime and disorder;

(b) reducing re-offending;

(c) combating the misuse of drugs, alcohol and other substances.

(3) Subsections (4) to (6) apply if a combined area in relation to a combination agreement includes (wholly or party) the area of more than one police area.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(4) The combination agreement must include arrangements for securing effective and efficient co-operation—

(a) between each of the relevant local policing bodies in relation to the combined area, and

(b) between the responsible authorities for the area and those relevant local policing bodies.

(5) The Secretary of State must be a party to the agreement (if not already a party by virtue of being a relevant local policing body in relation to the combined area).

(6) The Secretary of State may enter into the agreement only if the Secretary of State—

(a) considers that it would be in the interests of one or more of the matters mentioned in subsection (2), and

(b) is satisfied that the arrangements mentioned in subsection (4) are adequate for the purposes of securing effective and efficient co-operation in the carrying out of functions under section 6.

(7) A combination agreement—

(a) must be in writing, and

(b) may be varied by a further combination agreement.

(8) A combination agreement may be terminated by agreement in writing between the parties to it; and subsection (2), and (as the case may be) (6)(a), applies to an agreement under this subsection.

(9) In this section "combination agreement", "combined area" and "relevant local policing body" have the same meanings as in section 5.".

Commencement Information

I229 Sch. 11 para. 3 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

4 (1) Section 6 (formulation and implementation of strategies) is amended as follows.

(2) In subsection (1), after "section 5" insert " , with subsection (1A), ".

(3) After subsection (1) insert—

"(1A) In exercising functions under subsection (1), apart from devolved Welsh functions (as defined by section 5(8)), each of the responsible authorities for a local government area must have regard to the police and crime objectives set out in the police and crime plan for the police area which comprises or includes that local government area.".

(4) In subsection (3) after paragraph (c) insert—

"(ca) the conferring of functions on a police and crime commissioner for a police area in England in relation to the formulation and implementation of a strategy for any local government area that lies in that police area;".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(5) After subsection (4) insert—

"(4A) Provision under subsection (3)(ca) may include provision—

(a) for a police and crime commissioner to arrange for meetings to be held for the purpose of assisting in the formulation and implementation of any strategy (or strategies) that the commissioner may specify that relate to any part of the police area of the commissioner,

(b) for the commissioner to chair the meetings, and

(c) for such descriptions and numbers of persons to attend the meetings as the commissioner may specify (including, in particular, representatives of the responsible authorities in relation to the strategies to be discussed at the meetings).".

5 (1) Section 7 (supplemental) is amended as follows.

(2) In subsection (1)—

(a) for "Secretary of State" (in the first place) substitute " relevant local policing body for that area ",

(b) for "the Secretary of State" (in the second place) substitute " that body ", and

(c) after "section 6 above" insert " , apart from devolved Welsh functions (as defined by section 5(8)), ".

(3) After subsection (1) insert—

"(1A) The relevant local policing body in relation to a local government area may require a report under subsection (1) only if—

(a) the body is not satisfied that the responsible authorities for the area are carrying out their functions under section 6 in an effective and efficient manner, and

(b) the body considers it reasonable and proportionate in all the circumstances to require a report."

(4) In subsection (3)—

(a) for "Secretary of State" substitute " relevant local policing body ", and

(b) for "him" substitute " the body ".

(5) After subsection (3) insert—

"(4) Relevant local policing body", in relation to a local government area, means—

(a) if the area (or any part of it) falls within the police area of a police and crime commissioner, the commissioner,

(b) if the area (or any part of it) falls within the metropolitan police district, the Mayor's Office for Policing and Crime, and

(c) if the area (or any part of it) is the City of London, the Secretary of State.

(5) If there is more than one relevant local policing body in relation to a combined area that is to be treated as one local government area under a combination agreement (see section 5(1A))—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(a) a report submitted under subsection (1) is to be submitted to each of the relevant local policing bodies for the combined area, and

(b) references in this section to any requirement or arrangement made by the relevant local policing body are references to a requirement or arrangement made by each of the relevant local policing bodies for the combined area acting jointly.”.

Commencement Information
I230 Sch. 11 para. 5 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 6(b))

SCHEDULE 12

Section 89

COLLABORATION AGREEMENTS

1 The Police Act 1996 is amended as follows.

Commencement Information
I231 Sch. 12 para. 1 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

2 (1) Section 23 (police force collaboration agreements) is amended in accordance with this paragraph.

(2) In the title, for “**Police force collaboration agreements**” substitute “ **Collaboration agreements involving police forces** ”.

(3) Omit subsection (1).

(4) In subsection (2), for the words before paragraph (a) substitute—

“(2) Force collaboration provision may, in particular, consist of provision—”.

(5) Omit subsection (3).

(6) In subsection (4), for “An agreement” substitute “ A collaboration agreement ”.

(7) In subsection (5), for “an agreement” substitute “ a collaboration agreement ”.

(8) Omit subsections (6), (7) and (8).

Commencement Information
I232 Sch. 12 para. 2 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

3 (1) Section 23A (police authority collaboration agreements) is amended in accordance with this paragraph.

(2) For the title substitute “ **Collaboration agreements involving policing bodies** ”.

(3) Omit subsection (1).

(4) In subsection (2)—

(a) for the words before paragraph (a) substitute—

"(2) Policing body collaboration provision, or policing body & force collaboration provision, may, in particular, consist of provision—";

(b) in paragraphs (a) and (b), for "authorities" substitute " policing bodies ";

(c) in paragraph (c)—

(i) for "an authority" substitute " a policing body ";

(ii) for "another authority" (in each place) substitute " another policing body ".

(5) In subsection (3), for "In this section" substitute " In relation to policing body collaboration provision, or policing body & force collaboration provision, ".

(6) Omit subsection (4).

(7) In subsection (5)—

(a) for "A police authority may make an agreement" substitute " A policing body may make a collaboration agreement ";

(b) for "police authorities" substitute " policing bodies ".

(8) For subsection (6), substitute—

"(6) A policing body must consult the chief officer of police of the police force which the body is responsible for maintaining before making a collaboration agreement (unless that chief officer is a party to the agreement).".

(9) Omit subsection (7).

Commencement Information

I233 Sch. 12 para. 3 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

4 (1) Section 23B (collaboration agreements: payments) is amended in accordance with this paragraph.

(2) In subsection (1), for "relevant police authorities" substitute " parties to the agreement ".

(3) In subsection (2)—

(a) after "may" insert " in the case of policing bodies or chief officers of police who are parties to the agreement ";

(b) in paragraph (a), for "authorities" (in each place) substitute " policing bodies or chief officers of police ".

(4) In subsection (3), for "A relevant police authority" substitute " A policing body or chief officer of police ".

(5) Omit subsections (4) and (5).

Commencement Information

I234 Sch. 12 para. 4 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

5 (1) Section 23C (collaboration agreements: consultation and supplemental) is amended in accordance with this paragraph.

(2) Omit subsection (1).

(3) After subsection (5) insert—

"(6) If circumstances are such that one or more of the parties to a collaboration agreement would not, at a particular time, have power to enter into a collaboration agreement of that description (whether because of a failure to meet the requirements of section 22A(1) or (5) or otherwise) each person who does not have that power must cease to be a party to the agreement.".

Commencement Information
I235 Sch. 12 para. 5 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

6 (1) Section 23D (collaboration agreements: accountability) is amended as follows.

(2) In subsection (1)—
(a) for "police force collaboration agreement" substitute " collaboration agreement ";
(b) for "police authority" substitute " policing body ".

(3) In subsection (2), for "approving an agreement as mentioned in section 23(6), a police authority" substitute " making a collaboration agreement to which a chief officer of police is to be a party, a policing body ".

(4) In subsection (3)—
(a) for "police authority" (in each place) substitute " policing body ";
(b) for "consider making" substitute " make ".

(5) In subsection (4), for "police authority" substitute " policing body ".

Commencement Information
I236 Sch. 12 para. 6 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

7 In section 23E (collaboration agreements: publication), in subsection (2), for the words before "must" substitute " In a case where information is notified to a chief officer of police under section 23D(2), that information ".

Commencement Information
I237 Sch. 12 para. 7 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

8 In section 23F (collaboration agreements: guidance), for "police authorities" (in each place) substitute " policing bodies ".

Commencement Information
I238 Sch. 12 para. 8 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

9 In section 23G (collaboration agreements: directions), in subsections (1) and (2), for "police authorities" substitute " policing bodies ".

Commencement Information
I239 Sch. 12 para. 9 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

10 After section 23H insert—

"**23HA Decisions about efficiency or effectiveness**

In reaching a conclusion about whether or not a collaboration agreement is, or would be, in the interests of efficiency or effectiveness of one or more police forces (the "police forces under consideration"), a person must, in particular, consider—

(a) the existing collaboration agreements, and other arrangements for co-operation, to which the police forces under consideration are parties;

(b) the desirability of police forces taking a consistent approach in making such agreements and other arrangements; and

(c) the opportunities available to the police forces under consideration to make such agreements and other arrangements.".

Commencement Information
I240 Sch. 12 para. 10 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

11 (1) Section 23I (collaboration agreements: definitions) is amended in accordance with this paragraph.

(2) In subsection (1), for "23" substitute " 22A ".

(3) In subsection (4), for the words before paragraph (a) insert—

"(4) Policing body" means—

(aa) a local policing body,".

(4) After subsection (4) insert—

"(5) The following expressions have the meanings given in section 22A—

"collaboration agreement";
"force collaboration provision";
"policing body collaboration provision";
"policing body & force collaboration provision".

(6) References to the police force which a policing body is responsible for maintaining include—

(a) in the case of the British Transport Police Authority, the British Transport Police, and

(b) in the case of the Civil Nuclear Police Authority, the Civil Nuclear Constabulary.

(7) References to a police force include—

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(a) references to the special constables appointed by a chief officer of police, and

(b) references to the civilian employees of the police force;

and references to the members of a police force are to be read accordingly.

(8) For that purpose "civilian employee" means—

(a) in the case of a police force maintained under section 2 or 5A, the members of the civilian staff of that force;

(b) in the case of any other police force, the employees of the policing body responsible for maintaining that force who are under the direction and control of the chief officer of police of that force.".

Commencement Information

I241 Sch. 12 para. 11 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

SCHEDULE 13

Section 90

POLICE POWERS FOR CIVILIAN EMPLOYEES UNDER COLLABORATION AGREEMENTS

Police Act 1996

1 After section 23A of the Police Act 1996 insert—

"**23AA Force collaboration provision about civilian employees**

(1) This section applies to force collaboration provision, contained in a collaboration agreement, which is about the discharge of functions by designated civilian employees of one police force (the "assisting force") for the purposes of another police force (the "assisted force").

(2) The force collaboration provision must specify—

(a) the functions which the designated civilian employees are permitted by the collaboration agreement to discharge for the purposes of the assisted force, and

(b) any restrictions or conditions on that permission for the designated civilian employees to discharge those functions.

(3) The force collaboration provision must not permit the designated civilian employees to discharge functions for the purposes of the assisted force unless those employees are, by virtue of the relevant section 38 designation, authorised to discharge those functions for the purposes of the assisting force.

(4) The force collaboration provision does not authorise the designated civilian employees to discharge functions for the purposes of the assisted force (but see section 38B of the Police Reform Act 2002).

(5) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force include references to—

(a) the joint discharge of functions by the civilian employees and members of the assisted police force,

(b) the discharge of functions by the civilian employees in the assisted force's area, and

(c) the provision of the civilian employees to the assisted force.

(6) In this section—

"designated", in relation to a civilian employee of a police force, means designated by the chief officer of police of that force by a section 38 designation;

"relevant section 38 designation", in relation to a designated civilian employee, means the section 38 designation relating to the employee;

"section 38 designation" means a designation under section 38 of the Police Reform Act 2002.".

Commencement Information

I242 Sch. 13 para. 1 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Police Reform Act 2002

2 The Police Reform Act 2002 is amended as follows.

Commencement Information

I243 Sch. 13 para. 2 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

3 After section 38A insert—

"**38B Police powers for civilian employees under collaboration agreements**

(1) The chief officer of police of a police force (the "assisted force") may designate a person ("C") who—

(a) is a civilian employee of another police force (the "assisting force"),

(b) is designated under section 38 by the chief officer of police of the assisting police force (the "section 38 designation"), and

(c) is permitted, under relevant police collaboration provision, to discharge powers and duties specified in that provision for the purposes of the assisted force.

(2) The designation under subsection (1) (the "collaboration designation") must designate C as an officer of one or more of the descriptions specified in section 38(2).

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(3) The collaboration designation may designate C as an officer of a particular description specified in section 38(2) only if the section 38 designation designates C as an officer of that description.

(4) C shall have the powers and duties conferred or imposed on C by the collaboration designation.

(5) A power or duty may be conferred or imposed on C by the collaboration designation only if C is permitted, under the relevant police collaboration provision, to discharge that power or duty for the purposes of the assisted force.

(6) C shall not be authorised or required by virtue of the collaboration designation to engage in any conduct otherwise than in the course of discharging a power or duty conferred or imposed on C by the collaboration designation.

(7) The collaboration designation must specify the restrictions and conditions to which C is subject in the discharge of the powers and duties conferred or imposed by the collaboration designation.

(8) Those restrictions and conditions must include the restrictions and conditions specified in the relevant police collaboration provision.

(9) C is authorised or required to discharge any power or duty conferred or imposed by the collaboration designation subject to the restrictions and conditions specified in the collaboration designation.

(10) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force have the same meaning as in section 23B of the Police Act 1996.

(11) In this section—

"civilian employee" has the meaning given by section 23I of the Police Act 1996;

"relevant police collaboration provision" means provision, contained in a collaboration agreement under section 22A of the Police Act 1996, which is of the kind referred to in section 23AA of that Act.

38C Designations under section 38B: supplementary provision

(1) The collaboration designation of C must be in accordance with the relevant police collaboration provision.

(2) Subsection (1) is in addition to section 38B(5) and (8).

(3) Subsections (8) and (9) of section 38 apply to any power exercisable by C in reliance on the collaboration designation as they apply to a power exercisable by a person in reliance on a designation under section 38.

(4) In exercising or performing any power or duty in reliance on the collaboration designation, C is to be taken—

(a) as exercising or performing that power or duty in reliance on that collaboration designation (and not in reliance on any designation under section 38); and

(b) accordingly, as not being a designated person (within the meaning of section 46(1)) by virtue of any designation under section 38.

(5) Expressions used in this section and section 38B have the same meanings in this section as in section 38B.”.

Commencement Information

I244 Sch. 13 para. 3 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

4 (1) Section 42 (supplementary provisions relating to designations and accreditations) is amended in accordance with this paragraph.

(2) In subsection (1), after “section 38” insert “ , 38B ”.

(3) After subsection (2) insert—

“(2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—

(a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and

(b) identified or described in the designation.

In this subsection, “assisted force” and “assisting force” have the same meanings as in section 38B.”.

(4) In subsection (2A), after “subsection (2)” insert “ or (2ZA) ”.

(5) In subsection (2B), after “section 38” insert “ (in relation to subsection (2)) or section 38B (in relation to subsection (2ZA)) ”.

(6) In subsection (3), after “section 38” insert “ , 38B ”.

(7) After subsection (7) insert—

“(7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee's employment by the employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.”.

Commencement Information

I245 Sch. 13 para. 4 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

5 In section 46 (offences against designated and accredited persons etc), after subsection (4) insert—

“(5) References in this section to a designated person are to—

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(a) a designated person within the meaning given by section 47(1), and
(b) a person in relation to whom a designation under section 38B is for the time being in force.".

Commencement Information
I246 Sch. 13 para. 5 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Railways and Transport Safety Act 2003

6 In section 28 of the Railways and Transport Safety Act 2003 (exercise of powers by civilians), after subsection (1)(aa) insert—
"(ab) sections 38B and 38C (police powers for civilian employees under collaboration agreements),".

Commencement Information
I247 Sch. 13 para. 6 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

SCHEDULE 14

Section 95

POLICE: COMPLAINTS

Introduction

1 The Police Reform Act 2002 is amended in accordance with this Schedule.

Commencement Information
I248 Sch. 14 para. 1 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(f)**

Membership and proceedings of Independent Police Complaints Commission

2 In section 9(2)(b) (minimum number of members of Commission), for "ten" substitute " five ".

Commencement Information
I249 Sch. 14 para. 2 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(f)**

3 In Schedule 2 (the Independent Police Complaints Commission), in paragraph 10 (proceedings), omit sub-paragraph (6).

Commencement Information
I250 Sch. 14 para. 3 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(f)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Complaints about policing

4 Omit section 14 (direction and control matters).

Commencement Information

I251 Sch. 14 para. 4 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 8(2)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

VALID FROM 22/11/2012

5 (1) In section 29(1) (interpretation of Part 2), in the definition of "conduct" in subsection (1), for "and statements" substitute " , statements and decisions ".

(2) In Schedule 3 (handling of complaints and conduct matters), in paragraph 4 (reference of complaints to the Commission), after sub-paragraph (7) insert—

"(8) In a case where—

(a) a complaint relates to a direction and control matter, and

(b) there is no obligation under this paragraph for the appropriate authority to refer the complaint to the Commission,

the appropriate authority may refer the complaint to the Commission under this paragraph only if the Commission consents.".

VALID FROM 22/11/2012

6 In consequence of paragraph 4—

(a) in section 10 (general functions of the Commission), omit subsection (8);

(b) in section 13 (handling of complaints, conduct matters and DSI matters etc), omit "subject to section 14(1)".

Power of local policing body to direct chief officer of police to comply with obligations

7 In section 15 (general duties of local policing bodies, chief officers and inspectors), after subsection (2) insert—

"(2A) Subsection (2B) applies in a case where it appears to a local policing body that—

(a) an obligation to act or refrain from acting has arisen by or under this Part,

(b) that obligation is an obligation of the chief officer of police of the police force which is maintained by the local policing body, and

(c) the chief officer has not yet complied with that obligation, or has contravened it.

(2B) The local policing body may direct the chief officer to take such steps as the local policing body thinks appropriate.

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(2C) The chief officer must comply with any direction given under subsection (2B).”.

Commencement Information

I252 Sch. 14 para. 7 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Initial handling and recording of complaints

8 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 2 (initial handling and recording of complaints) is amended in accordance with sub-paragraphs (2) to (5).

(2) For sub-paragraph (1) substitute—

“(1) Where a complaint is made to the Commission, it shall give notification of the complaint to the appropriate authority.

(1A) But the Commission need not give that notification if the Commission considers that there are exceptional circumstances that justify its not being given.”.

(3) Omit sub-paragraph (4).

(4) In sub-paragraph (5)—

(a) in the words before sub-paragraph (a)—

(i) omit the words from “or the Commission” to “sub-paragraph (4)”;

(ii) omit “or, as the case may be, the Commission”;

(b) omit sub-paragraph (b) (and the word “or” preceding it).

(5) After sub-paragraph (7) insert—

“(8) Nothing in this paragraph shall require the recording by any person of any complaint about any conduct if that person considers that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph.”.

(6) In consequence of the amendments made by sub-paragraphs (2) to (5)—

(a) in section 12(2) (complaints, matters and persons to which Part 2 applies), omit “, paragraph 2(4) of Schedule 3”;

(b) in section 29(1) (interpretation of Part 2), omit paragraph (b) of the definition of “recordable conduct matter”.

Commencement Information

I253 Sch. 14 para. 8(1)(2)(3) in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 22/11/2012

Handling of complaints by the appropriate authority

9 (1) In Schedule 3 (handling of complaints and conduct matters), for paragraph 6 (handling of complaints by the appropriate authority) substitute—

"6 (1) This paragraph applies where a complaint has been recorded by the appropriate authority.

(2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the Commission under paragraph 4, unless the complaint is for the time being—

(a) referred back to the authority under paragraph 5, or

(b) the subject of a determination under paragraph 15.

(3) Subject to paragraph 7, the appropriate authority shall determine whether or not the complaint is suitable for being subjected to local resolution.

(4) If the appropriate authority determines that the complaint is suitable for being subjected to local resolution, it shall make arrangements for it to be so subjected.

(5) If the appropriate authority determines that the complaint is not so suitable, it shall make arrangements for the complaint to be investigated by the authority on its own behalf.

(6) A determination that a complaint is suitable for being subjected to local resolution may not be made unless the following conditions are both met.

(7) The first condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings against the person whose conduct is complained of.

(8) The second condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).

(9) In a case where this paragraph applies to a complaint by virtue of sub-paragraph (2)(b), a determination that the complaint is suitable for being subjected to local resolution may not be made unless the Commission approves the determination.

(10) No more than one application may be made to the Commission for the purposes of sub-paragraph (9) in respect of the same complaint.

(11) Sub-paragraph (9) (where applicable) is in addition to sub-paragraphs (6) to (8).".

(2) In paragraphs 7(6)(a) and 16(1)(a) of that Schedule, for "paragraph 6(2)" substitute " paragraph 6(3) ".

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(3) In section 22 (power of the Commission to issue guidance), in subsection (5)(c), omit sub-paragraph (ii) (and the word "and" at the end of sub-paragraph (i)).".

VALID FROM 22/11/2012

Disapplication of requirements of Schedule 3 to 2002 Act

10 (1) Schedule 3 (handling of complaints and conduct matters) is amended in accordance with this paragraph.

(2) In the italic heading that precedes paragraph 7 (dispensation by the Commission from requirements of Schedule 3 to 2002 Act), for "*Dispensation by the Commission from*" substitute " *Disapplication of* ".

(3) Paragraph 7 is amended in accordance with the following provisions of this paragraph.

(4) In sub-paragraph (1), omit "apply to the Commission, in accordance with the regulations, for permission to".

(5) After sub-paragraph (1) insert—

"(1A) But, in a case where paragraph 6 applies by virtue of paragraph 6(2)(a) or (b), the appropriate authority may not handle the complaint in whatever manner (if any) the authority thinks fit unless—

(a) the authority applies to the Commission, in accordance with the regulations, for permission to so handle the complaint, and

(b) the Commission gives permission.".

(6) For sub-paragraph (2) substitute—

"(2) The appropriate authority shall notify the complainant—

(a) that the appropriate authority has decided to handle the complaint as permitted by sub-paragraph (1) (in a case where the appropriate authority is not required to apply for permission under sub-paragraph (1A) to so handle the complaint); or

(b) about the making of the application under sub-paragraph (1A) (in a case where the appropriate authority makes such an application).".

(7) In sub-paragraph (5)—

(a) for the words before paragraph (a) substitute—

"(5) Where the complaint is to be handled in whatever manner (if any) the authority thinks fit (whether or not the Commission's permission is needed), the authority—";

(b) in sub-paragraph (b), for "but for the permission" substitute " if it were not proceeding in accordance with this paragraph ".

(8) In sub-paragraph (6)—

(a) after "Where" insert " the appropriate authority applies to the Commission under sub-paragraph (1A) and ";

(b) omit "under this paragraph".

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VALID FROM 22/11/2012

Conduct matters arising in civil proceedings

11 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 10 (conduct matters arising in civil proceedings) is amended in accordance with sub-paragraphs (2) to (4).

(2) In sub-paragraph (3), for "record that matter" substitute " determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13 or is one which it would be appropriate to so refer ".

(3) For sub-paragraph (4) substitute—

"(4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(4A) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(4B) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(4C) In any other case, the appropriate authority may (but need not) record the matter.

(4D) In a case where the appropriate authority—

(a) records a matter under this paragraph, and

(b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.".

(4) In sub-paragraph (5), for "sub-paragraph (3)" substitute " sub-paragraph (4) or (4B) ".

(5) In paragraph 16(2)(a) of Schedule 3, for "10(4)(b)" substitute " 10(4D) ".

VALID FROM 22/11/2012

Recording etc of conduct matters in other cases

12 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 11 (recording etc of conduct matters in other cases) is amended in accordance with sub-paragraphs (2) to (4).

(2) In sub-paragraph (1)—

(a) for the words before paragraph (a) substitute—

"(1) This paragraph applies where—";

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(b) omit the words after paragraph (b).

(3) For sub-paragraph (3) substitute—

"(3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer.

(3A) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(3B) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(3C) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(3D) In any other case, the appropriate authority may (but need not) record the matter.

(3E) In a case where the appropriate authority—

(a) records a matter under this paragraph, and

(b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.".

(4) In sub-paragraph (4), for "sub-paragraph (1)" substitute " sub-paragraph (3A) or (3C) ".

(5) In paragraph 16(2)(a) of Schedule 3, for "11(3)(b)" substitute " 11(3E) ".

VALID FROM 22/11/2012

Power to discontinue an investigation

13 (1) Schedule 3 (handling of complaints and conduct matters) is amended in accordance with this paragraph.

(2) In the italic heading that precedes paragraph 21 (power of the Commission to discontinue an investigation), omit "*of the Commission*".

(3) Paragraph 21 is amended in accordance with the following provisions of this paragraph.

(4) For sub-paragraph (1) substitute—

"(1) The Commission may by order require the discontinuance of the investigation of a complaint or matter if (whether on the application of the appropriate authority or otherwise) it appears to the Commission that—

(a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and

(b) discontinuance of the investigation is within the Commission's power.

(1A) The appropriate authority that is investigating a complaint or matter may discontinue the investigation if it appears to that authority that—

(a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and

(b) discontinuance of the investigation is not within the Commission's power.

(1B) For the purposes of this paragraph—

(a) discontinuance of the investigation of a complaint is within the Commission's power if—

(i) the investigation is being undertaken by the appropriate authority on its own behalf and the complaint is one required to be referred to the Commission under paragraph 4; or

(ii) the investigation is under the supervision or management of the Commission;

(b) discontinuance of the investigation of a matter other than a complaint is within the Commission's power if the investigation is under the supervision or management of the Commission.”.

(5) After sub-paragraph (3) insert—

“(3A) Where the appropriate authority discontinues an investigation under sub-paragraph (1A), the appropriate authority shall give notification of the discontinuance—

(a) to every person entitled to be kept properly informed in relation to the investigation under section 21; and

(b) in a case where the investigation that is discontinued is an investigation of a complaint, to the complainant.”.

(6) In sub-paragraph (4), for “in accordance with this paragraph” substitute “ in accordance with an order under sub-paragraph (1) ”.

(7) After sub-paragraph (5) insert—

“(6) Where an investigation of a complaint, recordable conduct matter or DSI matter is discontinued in accordance with sub-paragraph (1A)—

(a) the appropriate authority may take any such steps of a description specified in regulations made by the Secretary of State as he or it considers appropriate for purposes connected with the discontinuance of the investigation; and

(b) subject to the preceding paragraphs, neither the appropriate authority nor the Commission shall take any further action in accordance with the provisions of this Schedule in relation to that complaint or matter.”.

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VALID FROM 22/11/2012

Duties with respect to disciplinary proceedings

14 (1) Schedule 3 is amended in accordance with this paragraph.

(2) In paragraph 23 (action by the Commission in response to an investigation report under paragraph 22), in sub-paragraph (6)(a), after sub-paragraph (i) insert—

"(ia) whether or not any such person's performance is unsatisfactory, and".

(3) In paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22), in sub-paragraph (6)(a), after sub-paragraph (i) insert—

"(ia) whether or not any such person's performance is unsatisfactory, and".

(4) In paragraph 25 (appeals to the Commission with respect to an investigation)—

(a) in sub-paragraph (2)(ba), after "answer" (in the second place) insert " or that such a person's performance is, or is not, unsatisfactory ";

(b) in sub-paragraph (3), after sub-paragraph (za) insert—

"(zb) sets out whether the appropriate authority has determined any such person's performance is, or is not, unsatisfactory;";

(c) in sub-paragraph (5)(c)(i), after "sub-paragraph (3)(za)" insert " or (zb) ";

(d) in sub-paragraph (9), in the words before sub-paragraph (a), for "considers appropriate or" substitute " considers appropriate, or determines that the appropriate authority has not made a determination as to whether a person's performance is or is not unsatisfactory, or determines that the appropriate authority ".

(5) In paragraph 27 (duties with respect to disciplinary proceedings), in sub-paragraph (3)—

(a) after sub-paragraph (za) insert—

"(zb) that the person's performance is, or is not, unsatisfactory;";

(b) in sub-paragraph (a), after "conduct" insert " , efficiency or effectiveness ";

(c) in sub-paragraph (b), after "conduct" insert " , efficiency or effectiveness ".

VALID FROM 22/11/2012

Rights of appeal

15 Schedule 3 (handling of complaints and conduct matters) is amended in accordance with the following paragraphs of this Schedule.

16 In paragraph 3 (failures to notify or record a complaint), after sub-paragraph (3) insert—

"(3A) But the complainant has no right of appeal under sub-paragraph (3) in either of the following cases.

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(3B) The first case is where, by virtue of paragraph 2(7), there is no requirement to record the complaint.

(3C) The second case is where—

(a) the complaint relates to a direction and control matter, and

(b) the appeal relates to a failure by a local policing body.”.

17 (1) Paragraph 7 (dispensation by the Commission from requirements of Schedule 3 to 2002 Act) is amended in accordance with this paragraph.

(2) After sub-paragraph (7) insert—

“(8) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under this paragraph to handle the complaint otherwise than in accordance with this Schedule or to take no action in relation to it.

(9) But the complainant has no right of appeal in either of the following cases.

(10) The first case is where the appeal relates to a decision for which the Commission has given permission under this paragraph.

(11) The second case is where the complaint relates to a direction and control matter.

(12) On an appeal under this paragraph, subject to sub-paragraphs (13) and (14), the relevant appeal body shall—

(a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the relevant appeal body finds in the complainant's favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule;

and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).

(13) Sub-paragraph (12) does not apply in a case where a particular chief officer of police is—

(a) the person in respect of whose decision the appeal is made under this paragraph, and

(b) the relevant appeal body in relation to the appeal.

(14) In such a case—

(a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule.”.

18 For paragraph 9 and the italic heading that precedes it (Appeals relating to local resolution) substitute—

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"Appeals relating to complaints dealt with other than by investigation

8A (1) The complainant shall have a right of appeal to the relevant appeal body against the outcome of any complaint that is—

(a) subjected to local resolution, or

(b) handled otherwise than in accordance with this Schedule.

(2) But the complainant has no right of appeal if the complaint relates to a direction and control matter.

(3) On an appeal under this paragraph, subject to sub-paragraphs (4) and (5), the relevant appeal body shall—

(a) determine whether the outcome of the complaint is a proper outcome; and

(b) if the relevant appeal body finds in the complainant's favour, give such directions as the relevant appeal body thinks appropriate to the appropriate authority as to the action to be taken in relation to the complaint;

and it shall be the duty of the appropriate authority to comply with any directions given under paragraph (b).

(4) Sub-paragraph (3) does not apply in a case where a chief officer of police is the relevant appeal body in relation to the appeal.

(5) In such a case—

(a) the appeal shall determine whether the outcome of the complaint is a proper outcome; and

(b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate in relation to the complaint.".

19 (1) Paragraph 21 (power of the Commission to discontinue an investigation) is amended in accordance with this paragraph.

(2) After sub-paragraph (6) (inserted by paragraph 13(7) of this Schedule) insert—

"(7) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under sub-paragraph (1A) to discontinue the investigation of the complaint.

(8) But the complainant has no right of appeal if the complaint relates to a direction and control matter.

(9) On an appeal under this paragraph, subject to sub-paragraphs (10) and (11), the relevant appeal body shall—

(a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the relevant appeal body finds in the complainant's favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for investigating the complaint;

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and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).

(10) Sub-paragraph (9) does not apply in a case where a particular chief officer of police is—

(a) the person in respect of whose decision an appeal is made under this paragraph, and

(b) the relevant appeal body in relation to the appeal.

(11) In such a case—

(a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate for investigating the complaint.”.

20 (1) In the italic heading that precedes paragraph 25 (appeals to the Commission with respect to an investigation), omit “*to the Commission*”.

(2) Paragraph 25 is amended in accordance with the following provisions of this paragraph.

(3) In sub-paragraph (2)—

(a) in the words before sub-paragraph (a), for “to the Commission” substitute “ to the relevant appeal body ”;

(b) in the words after sub-paragraph (d)—

(i) for “Commission” substitute “ relevant appeal body ”;

(ii) after “this paragraph” insert “ (except that the duty to notify the appropriate authority does not apply where that authority is the relevant appeal body) ”.

(4) After sub-paragraph (2) insert—

“(2ZA) But the complainant has no right of appeal if the complaint relates to a direction and control matter.”.

(5) In sub-paragraph (5), for “Commission” (in each place) substitute “ relevant appeal body ”.

(6) In sub-paragraph (6)—

(a) for “Commission” (in the first place) substitute “ relevant appeal body ”;

(b) after “any matter” insert “—

(a) in a case where the Commission is the relevant appeal body,”;

(c) at the end insert “; and

(b) in a case where the appropriate authority is the relevant appeal body, that authority shall take such steps as it considers appropriate for securing that the complainant is properly informed.”.

(7) In sub-paragraph (7), for “sub-paragraph (6)” substitute “ sub-paragraph (6)(a) ”.

(8) In sub-paragraph (8)—

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(a) after "reconsidered," insert " in a case where the Commission is the relevant appeal body ";

(b) at the end of paragraph (b) insert "; and

in a case where the appropriate authority is the relevant appeal body, that authority shall re-investigate the complaint.".

(9) In sub-paragraph (9)—

(a) for "Commission" (in the first three places) substitute " relevant appeal body ";

(b) for "considers appropriate, the Commission shall" substitute "considers appropriate—

(a) sub-paragraph (9ZA) applies if the Commission is the relevant appeal body; or

(b) sub-paragraph (9ZB) applies if the chief officer of police is the relevant appeal body.

(9ZA) The Commission shall—".

(10) Before sub-paragraph (9A) insert—

"(9ZB) The chief officer of police shall take such action as the chief officer thinks appropriate in relation to the bringing of disciplinary proceedings in respect of the matters dealt with in the report.

(9ZC) If disciplinary proceedings are brought by virtue of sub-paragraph (9ZB), it shall be the duty of the appropriate authority to ensure that they are proceeded with to a proper conclusion.".

(11) In sub-paragraph (9A)—

(a) for "Commission" substitute " relevant appeal body ";

(b) for "it shall direct the appropriate authority" substitute " in a case where the Commission is the relevant appeal body it shall direct the appropriate authority to, or in a case where the appropriate authority is the relevant appeal body it shall ";

(c) in sub-paragraph (a)—

(i) omit "to";

(ii) omit "Commission's";

(d) in sub-paragraph (b), omit "to".

(12) In sub-paragraph (10)—

(a) in the words before paragraph (a), for "Commission" substitute " relevant appeal body ";

(b) in sub-paragraph (a), after "authority" insert " (unless it is the relevant appeal body) ";

(c) in sub-paragraph (d), for "Commission" substitute " relevant appeal body ".

(13) In sub-paragraph (11), for "The Commission" substitute " In a case where the Commission is the relevant appeal body, it ".

(14) In sub-paragraph (13), for "Commission" substitute " relevant appeal body ".

21 In paragraph 29 (minor definitions), before the definition of "gross misconduct" insert—

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""direction and control matter" means a matter that relates to the direction and control of a police force by—

(a) the chief officer of police of that force, or

(b) a person for the time being carrying out the functions of the chief officer of police of that force;".

22 After paragraph 29 insert—

"Appeals: the relevant appeal body

30 (1) The relevant appeal body in relation to an appeal is—

(a) the Commission, in a case where the relevant complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph; or

(b) the chief officer of police who is the appropriate authority in relation to the relevant complaint, in any other case.

(2) In this paragraph and paragraphs 31 and 32—

"appeal" means an appeal under paragraph 7(8), 8A, 21(7) or 25(2);

"relevant complaint", in relation to an appeal, means the complaint to which the appeal relates.

31 (1) This paragraph applies in a case where—

(a) an appeal is made to the Commission, and

(b) the appropriate authority is the relevant appeal body in relation to the appeal.

(2) The Commission must—

(a) forward the appeal to the appropriate authority; and

(b) notify the person who made the appeal—

(i) that the appropriate authority is the relevant appeal body; and

(ii) the appeal has been forwarded.

(3) The appeal is to be taken to have been—

(a) made to the appropriate authority, and

(b) so made at the time when it is forwarded to the appropriate authority.

32 (1) This paragraph applies in a case where—

(a) an appeal is made to the appropriate authority; and

(b) the Commission is the relevant appeal body in relation to the appeal.

(2) The appropriate authority must—

(a) forward the appeal to the Commission; and

(b) notify the person who made the appeal—

(i) that the Commission is the relevant appeal body; and

(ii) the appeal has been forwarded.

(3) The appeal is to be taken to have been—

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(a) made to the Commission; and
(b) so made at the time when it is forwarded to the Commission.”.

SCHEDULE 15

Section 98

POLICE REFORM: TRANSITIONAL PROVISION

PART 1

CHIEF OFFICERS OF POLICE

Current chief officers to remain in post

1 (1) At the relevant commencement time a person who, immediately before that time, is in post as the existing chief officer of the police force for a police area becomes the new chief officer of that police force.

(2) Where a person has, prior to the relevant commencement time, accepted an appointment as the existing chief officer of the police force for a police area which is to come into effect at a time (the “effective time”) which falls at or after the relevant commencement time, that appointment is to take effect at the effective time as an appointment as the new chief officer of that police force.

(3) Sub-paragraph (2) is without prejudice to any right of the person appointed not to take up the appointment.

Commencement Information
I254 Sch. 15 para. 1 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Transfer of rights and liabilities

2 At the relevant commencement time, all rights and liabilities which immediately before that time were rights and liabilities of the existing chief officer of the police force for a police area are to transfer to the new chief officer of that police force.

Commencement Information
I255 Sch. 15 para. 2 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Relevant legislative provisions

3 (1) Any relevant legislative provision which, immediately before the relevant commencement time, applied to chief constables of police forces maintained under section 2 of the Police Act 1996 is to apply after that time in the same way to chief constables established under section 2 of this Act (except where the context otherwise requires).

(2) Any relevant legislative provision which, immediately before the relevant commencement time, applied to the Commissioner of Police of the Metropolis is to apply after that time in the same way to the Commissioner of Police of the Metropolis established under section 4 of this Act (except where the context otherwise requires).

(3) Sub-paragraphs (1) and (2) are subject to any provision to the contrary made—
  (a) by or under this Act, or
  (b) by any other Act passed, or subordinate legislation made, on or after the passing of this Act.

(4) In this paragraph—

"relevant legislative provision" means—
  (a) provision of an Act made before the relevant commencement day, or
  (b) provision of an instrument made before the relevant commencement day under a public general Act which is of a legislative character;

but provision which applies only to specified chief constables of police forces maintained under section 2 of the Police Act 1996 is not relevant legislative provision.

Commencement Information
I256 Sch. 15 para. 3 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Interpretation

4 In this Part "relevant commencement time" means—
  (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the time when section 2 comes into force in relation to that area;
  (b) in relation to the metropolitan police district, the time when section 4 comes into force.

Commencement Information
I257 Sch. 15 para. 4 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

PART 2

INITIAL TRANSFER FROM POLICE AUTHORITIES

Transfer of property, rights and liabilities

5 (1) At the relevant commencement time, all property, rights and liabilities which immediately before that time were property, rights and liabilities of the existing police authority for a police area are to transfer to, and by virtue of this paragraph vest in, the new policing body for that police area.

(2) This paragraph does not apply to any rights or liabilities under a contract of employment (which are dealt with in paragraph 6).

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information

I258 Sch. 15 para. 5 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Transfer of staff

6 (1) Subject to sub-paragraphs (5) and (6), this paragraph applies to any person who immediately before the relevant commencement time is a member of the staff of the existing police authority for a police area (the "existing employer").

(2) A contract of employment between a person to whom this paragraph applies and the existing employer is to have effect from the relevant commencement time as if originally made between that person and the new policing body for the police area in relation to which the existing employer was established (the "new employer").

(3) Sub-paragraph (2) does not break the continuity of a person's employment and accordingly such a person's period of employment with the existing employer counts as a period of employment with the new employer for the purposes of the Employment Rights Act 1996.

(4) Without prejudice to sub-paragraph (2)—

(a) all the existing employer's rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies are by virtue of this paragraph transferred to the new employer at the relevant commencement time; and

(b) anything done before that date by or in relation to the existing employer in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.

(5) Sub-paragraphs (2) to (4) are without prejudice to any right of a member of staff to terminate the contract of employment if a substantial change is made to the person's detriment in the person's working conditions; but no such right arises by reason only of the change in employer effected by this paragraph.

(6) Where a person—

(a) has, prior to the relevant commencement time, entered into a contract of employment with an existing police authority which is to come into effect at or after that time; and

(b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,

that person is to be treated as a person to whom this paragraph applies.

(7) A person who would (but for this sub-paragraph) be treated as being dismissed by the operation of this paragraph (whether by an enactment or otherwise) is to be treated as not being so dismissed.

(8) Sub-paragraph (7) does not apply to a person who, by virtue of sub-paragraph (5), does not become an employee of a new policing body.

(9) This paragraph is subject to paragraph 7.

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Commencement Information

I259 Sch. 15 para. 6 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Police civilians

7 (1) The new policing body for a police area—

(a) is to have, for the purpose mentioned in sub-paragraph (2), relevant powers to arrange for the new chief officer of the police force for that area to discharge functions of that body; and

(b) must exercise those powers for the purpose mentioned in sub-paragraph (2).

(2) That purpose is securing that the police civilian members of staff of that new policing body are under the direction and control of that chief officer.

(3) Any arrangements made in compliance with section 15(2) of the Police Act 1996 between the existing police authority for a police area and the existing chief officer of the police force for that area which are in force immediately before the relevant commencement time are to have effect at and after that time as if made under this paragraph between the new policing body for that area and the new chief officer of that police force.

(4) Sub-paragraph (5) applies to a person who—

(a) immediately before the relevant commencement time, is a police civilian member of the staff of an existing police authority, and

(b) at that time becomes a member of the staff of the new policing body for a police area by virtue of paragraph 6.

(5) For as long as the person continues to be a member of the staff of that body, the person is to be—

(a) employed as a police civilian member of that staff, and

(b) under the direction and control of the new chief officer of the police for that area.

(6) Sub-paragraph (5) does not prevent the new policing body from making arrangements with the person for the person to cease to be a police civilian member of staff of that body (whether or not the person remains a member of the staff of that body).

(7) After the relevant commencement time, a new policing body may, for either of the purposes set out in sub-paragraph (8), make arrangements—

(a) with any member of the staff of the body who is not a police civilian member of staff to become a police civilian member of that staff, or

(b) with a person who is not a member of that body's staff to become a police civilian member of that staff.

(8) In relation to the new policing body for a police area those purposes are—

(a) replacing police civilian members of staff of the existing police authority for that area who did not become members of the staff of the new policing body in accordance with paragraph 6;

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(b) replacing police civilian members of staff of the new policing body who have ceased to be police civilian members of staff of that body otherwise than by virtue of a transfer scheme under Part 2 of this Schedule; or

(c) to supplement the police civilian members of staff of the new policing body.

(9) Sub-paragraphs (1) to (5) are subject to—

(a) any provision included in a collaboration agreement under section 22A of the Police Act 1996, and

(b) section 24(3A) of that Act (aid of one police force by another).

(10) In this paragraph—

(a) "relevant powers" means powers corresponding to those conferred by sections 101 and 107 of the Local Government Act 1972 on police authorities established under section 3 of the Police Act 1996;

(b) references to a police civilian member of staff of an existing police authority or a new policing body are references to a member of the staff of that authority or body who is employed solely to assist the police force maintained by that authority or body;

(c) the chief officers' powers of direction and control referred to include powers of engagement and dismissal.

Commencement Information

I260 Sch. 15 para. 7 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Seconded staff

8 In the case of a person who, immediately before the relevant commencement time, is seconded to the existing police authority for a police area, the secondment is to have effect, after that time, as a secondment to the new policing body for that police area.

Commencement Information

I261 Sch. 15 para. 8 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Interpretation

9 In this Part "relevant commencement time" means—

(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the time when section 1 comes into force in relation to that area;

(b) in relation to the metropolitan police district, the time when section 3 comes into force.

Commencement Information

I262 Sch. 15 para. 9 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

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PART 3

SUBSEQUENT TRANSFER BY NEW POLICING BODY

Power to direct new policing body to make transfer scheme

10 (1) The Secretary of State may direct a new policing body—
(a) to make one or more transfer schemes, and
(b) to submit such a scheme to the Secretary of State for approval.

(2) If the Secretary of State gives a direction under sub-paragraph (1)(b), the Secretary of State may—
(a) approve the scheme as submitted,
(b) approve the scheme with modifications, or
(c) reject the scheme.

(3) Before making a decision under sub-paragraph (2), the Secretary of State must—
(a) consult the new policing body, and
(b) if the scheme includes provision about the transfer of staff, consult persons who, in the Secretary of State's opinion, represent the views of the staff concerned.

(4) If the Secretary of State gives a direction under sub-paragraph (1)(b), the new policing body—
(a) must not make the scheme unless the Secretary of State approves it, and
(b) if the Secretary of State approves the scheme with modifications, must make it with those modifications.

(5) A direction under this paragraph—
(a) must be in writing; and
(b) may be varied or revoked by a further direction.

Commencement Information
I263 Sch. 15 para. 10 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

11 (1) The Secretary of State may make one or more transfer schemes in relation to a new policing body if—
(a) the body does not comply with a direction given to it under paragraph 10, or
(b) the Secretary of State decides not to approve one or more schemes submitted by that body under paragraph 10.

(2) A scheme made by the Secretary of State under this paragraph is to be treated as if made by the new policing body.

Commencement Information
I264 Sch. 15 para. 11 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

12 (1) The Secretary of State may direct a new policing body—
(a) to modify a transfer scheme made by that body, and

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(b) to submit such a scheme to the Secretary of State for approval.

(2) Sub-paragraphs (2) to (5) of paragraph 10 apply to a direction under sub-paragraph (1) of this paragraph as they apply to a direction under sub-paragraph (1) of paragraph 10.

(3) In the application of paragraph 10(2) to (5) by virtue of sub-paragraph (2)—

(a) references to paragraph 10(1)(b) have effect as references to sub-paragraph (1)(b) of this paragraph;

(b) references to the making of a scheme have effect as references to the modification of a scheme;

(c) references to a scheme have effect as references to a scheme as modified.

(4) The Secretary of State may modify a transfer scheme made by a new policing body if—

(a) the authority does not comply with a direction given to it under sub-paragraph (1), or

(b) the Secretary of State decides not to approve the modified scheme submitted by the body.

(5) A scheme modified by the Secretary of State under sub-paragraph (4) is to be treated as if modified (and made) by the new policing body.

(6) A scheme modified in accordance with this paragraph is to be deemed for all purposes to have come into force with those modifications.

Commencement Information

I265 Sch. 15 para. 12 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Staff

13 (1) A transfer scheme may provide for a person employed by the new policing body to become—

(a) a member of the civilian staff of the police force, or

(b) a member of staff of a local authority.

(2) The scheme may provide that a contract of employment which the person had before becoming a member of the civilian staff of a police force is to have effect (subject to any modifications) as if originally made between that person and the chief officer.

(3) The scheme may provide that a contract of employment which the person had before becoming a member of the staff of a local authority is to have effect (subject to any modifications) as if originally made between that person and that local authority.

Commencement Information

I266 Sch. 15 para. 13 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

14 (1) A transfer scheme may provide, in the case of a person who is seconded to the new policing body, that the secondment is to have effect as a secondment to—

(a) the civilian staff of the police force, or

(b) a local authority.

(2) The scheme may make provision as to the terms and conditions which are to have effect as the terms and conditions of the person's secondment.

Commencement Information
I267 Sch. 15 para. 14 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

15 (1) A transfer scheme may provide for the transfer to the chief officer of the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a person who becomes a member of the civilian staff of the police force.

(2) A transfer scheme may provide for the transfer to a local authority of the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a person who becomes a member of the staff of that local authority.

(3) A transfer scheme may make provision—

(a) for periods before a person became a member of the civilian staff of the police force to count as periods of employment with the chief officer, and

(b) for periods before a person became a member of the civilian staff of the police force, and the periods after the person became a member of the civilian staff of the police force, to count as a period of continuous employment.

(4) A transfer scheme may make provision—

(a) for periods before a person became a member of the staff of a local authority to count as periods of employment with that local authority, and

(b) for periods before a person became a member of the staff of a local authority, and the period after the person became a member of the staff of the local authority, to count as a period of continuous employment.

Commencement Information
I268 Sch. 15 para. 15 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

16 (1) A transfer scheme may provide for a person who—

(a) is employed by the new policing body, and

(b) would otherwise, by the operation of the scheme, become—

(i) a member of the civilian staff of the police force, or

(ii) a member of staff of a local authority,

not to become such a member of staff if the person gives notice objecting to the operation of the scheme in relation to the person.

(2) A person who would (but for this sub-paragraph) be treated as being dismissed by the operation of a transfer scheme (whether by an enactment or otherwise) is to be treated as not being so dismissed.

(3) Sub-paragraph (2) does not apply to a person who, by virtue of sub-paragraph (1), does not become a member of staff.

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Commencement Information
I269 Sch. 15 para. 16 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Property, rights and liabilities etc

17 (1) A transfer scheme may provide for the transfer of property, rights and liabilities of the new policing body to the chief officer.

(2) The scheme may—

(a) create rights or interests, or impose liabilities, in relation to property, rights and liabilities transferred by virtue of the scheme or retained by the transferor under the scheme or create rights or liabilities as between the transferor and transferee under the scheme, and

(b) apportion property, rights and liabilities between the new policing body and the chief officer.

Commencement Information
I270 Sch. 15 para. 17 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Supplementary

18 (1) A transfer scheme may contain further provision in connection with any of the matters to which paragraphs 13 to 17 relate.

(2) A transfer scheme may contain incidental, consequential, supplemental, transitional and saving provision.

(3) A transfer scheme may confer functions on any person (including the Secretary of State).

Commencement Information
I271 Sch. 15 para. 18 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

19 (1) A transfer scheme may contain provision—

(a) for the Secretary of State, or any other person nominated by or in accordance with the scheme, to determine any matter requiring determination under or in consequence of the scheme, and

(b) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of sub-paragraph (a).

Commencement Information
I272 Sch. 15 para. 19 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
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PART 4

OTHER TRANSITIONAL PROVISION

Politically restricted posts

20 (1) This paragraph applies to a person if by virtue of a transfer scheme, the person—
(a) ceases to be a member of the staff of an existing police authority, and
(b) becomes a member of the staff of a new policing body.

(2) Section 1 of the Local Government and Housing Act 1989 (politically restricted posts) does not apply to the person for as long as the person—
(a) continues to be a member of the staff of the new policing body, and
(b) carries out duties which are the same, or substantially the same, as the duties the person carried out as a member of the staff of the existing police authority.

Commencement Information
I273 Sch. 15 para. 20 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Continuity

21 (1) The abolition of an existing police authority, the transfer or abolition of its functions, and the transfer of its property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

(2) The replacement of an existing chief officer, the transfer or abolition of the functions of an existing chief officer, and the transfer of the rights and liabilities of an existing chief officer, do not affect anything done before the replacement, transfer or abolition.

(3) The transfer of the property, rights and liabilities of a new policing body does not affect anything done before the transfer.

(4) Sub-paragraphs (5) to (7) apply where any functions, property, rights or liabilities are transferred by or under this Act from a person (the "transferor") to another person (the "transferee").

(5) There may be continued by or in relation to the transferee 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 transferor immediately before the transfer takes effect.

(6) Anything which—
(a) was made or done by or in relation to the transferor 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 the transfer takes effect,

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

(7) The transferee is to be substituted for the transferor in any instruments, contracts or legal proceedings which—

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(a) relate to any of the functions, property, rights or liabilities transferred, and
(b) are made or commenced before the transfer takes effect.

(8) The Secretary of State may, by direction, determine any question under this section as to—
(a) whether any particular functions, property, rights or liabilities are transferred by or under this Act, or
(b) the person to which any particular functions, property, rights or liabilities are transferred by or under this Act.

(9) The preceding provisions of this paragraph—
(a) are without prejudice to Part 2 of this Schedule and any power to make a transfer scheme, and
(b) are subject to the provisions of Part 2 of this Schedule and any transfer scheme.

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

Commencement Information
I274 Sch. 15 para. 21 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Foreign property etc: perfection of vesting

22 (1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999 (foreign property, rights and liabilities: perfection of vesting) apply in any case where a transfer by or under this Act provides for the transfer of foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of sub-paragraph (1)—
(a) references to a transfer or pension instrument have effect as references to the transfer by or under this Act; and
(b) references to the transferor and the transferee are to be construed accordingly.

Commencement Information
I275 Sch. 15 para. 22 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Transfers: supplementary provision

23 (1) All property, rights and liabilities to which a statutory transfer applies are to be transferred by that transfer, 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) The property, rights and liabilities which may be transferred by a transfer scheme include—

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

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

(3) 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 shall operate or become exercisable as a result of any transfer of land or other property by virtue of a statutory transfer or a transfer scheme (whether or not any consent required to the transfer has been obtained).

(4) No right to terminate or vary a contract or instrument shall operate or become exercisable, and no provision of a contract or relevant document, shall operate or become exercisable or be contravened, by reason of any transfer by virtue of a statutory transfer or a transfer scheme.

(5) Sub-paragraphs (2) to (4) above 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 a transfer of land or other property.

(6) A transfer scheme may make provision for the apportionment or division of any property, rights or liabilities.

(7) Where a transfer scheme makes provision for the apportionment or division between two or more persons of any rights or liabilities under a contract, the contract shall have effect, as from the coming into force of the provision, as if it constituted two or more separate contracts separately enforceable by and against each of those persons respectively as respects the part of the rights or liabilities which falls to that person as a result of the apportionment or division.

(8) The provision that may be made by a transfer scheme includes provision for—
(a) any transfer of land or other property by virtue of the instrument,
(b) the grant or creation of any estate or interest in, or right over, any land or other property by virtue of the instrument, or
(c) the doing of any other thing in relation to land or other property by virtue of the instrument,
to be on such terms, including financial terms, as the person making the scheme thinks fit.

(9) The Secretary of State may by order confer on any body or person to whom property, rights or liabilities are transferred by a statutory transfer or transfer scheme any statutory functions which were previously exercisable in relation to that property, or those rights or liabilities, by the transferor.

(10) It shall be the duty—
(a) of existing police authorities, new policing bodies, existing chief officers, new chief officers and local authorities, and
(b) of the trustees or managers, or administrators, of any pension scheme,
to provide the Secretary of State with such information or assistance as the Secretary of State may reasonably require for the purposes of, or in connection with, the exercise of any powers exercisable by the Secretary of State in relation to a statutory transfer or a transfer scheme.

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(11) Where any person is entitled, in consequence of any transfer made by virtue of a statutory transfer or transfer scheme, to possession of a document relating in part to the title to, or to the management of, any land or other property in England and Wales—

(a) the instrument may contain provision for treating that person as having given another person an acknowledgment in writing of the right of that other person to the production of the document and to delivery of copies thereof; and

(b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

(12) In this paragraph—

"relevant document" means—

(a) any enactment, other than an enactment contained in this Act;

(b) any subordinate legislation made otherwise than under this Act; or

(c) any deed or other instrument;

"statutory transfer" means a transfer under Part 1 or 2 of this Schedule;

"transfer scheme" means a transfer scheme under Part 3.

Commencement Information

I276 Sch. 15 para. 23 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

Power to make transitional provision etc

24 (1) The Secretary of State may, by order, make such transitional and transitory provision, and savings, as the Secretary of State considers appropriate in connection with Part 1 of this Act (including provision that supplements or varies the provision made by this Schedule).

(2) An order under this paragraph may, in particular—

(a) amend, or otherwise modify, any enactment;

(b) make any provision that may be made by a transfer scheme under Part 3 of this Schedule (whether the provision in the order relates to that Part or Part 2 of this Schedule);

(c) provide for the new policing body for a police area to make any payment which—

(i) before a day specified in the order could have been made out of the police fund of the existing police authority for that area, but

(ii) is not a liability which is transferred to the new policing body by virtue of Part 2 of this Schedule;

(d) provide for a new chief officer or a local authority to which property, rights or liabilities of a new policing body are, or are to be, transferred by virtue of a transfer scheme under Part 3 of this Schedule to make any payment which—

(i) before a day specified in the order could have been made out of the police fund of that new policing body, but

(ii) is not a liability which could be transferred by virtue of such a transfer scheme;

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(e) make provision in relation to the accounts and audit of—
(i) existing police authorities, and
(ii) new policing bodies.

(3) Provision of the kind referred to in sub-paragraph (2)(e) may, in particular—
(a) amend, or otherwise modify, any enactment relating to the accounts and audit of public bodies in its application to—
(i) an existing police authority and the financial year in which that authority is abolished, or
(ii) a new policing body and the financial year in which that body is established;
(b) provide for the Secretary of State to give directions as to action to be taken in relation to the accounts and audit of—
(i) an existing police authority in relation to the financial year in which that authority is abolished, or
(ii) a new policing body in relation to the financial year in which that body is established;
(c) provide for a person who, in acting in accordance with such a direction, fails to comply with a code of practice or other document relating to proper accounting practice to be taken not to have so failed to comply.

Commencement Information
I277 Sch. 15 para. 24 in force at 31.10.2011 by S.I. 2011/2515, **art. 2(e)**

PART 5

INTERPRETATION

25 In this Schedule—

"existing chief officer" means—
(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the chief constable of the police force for that area before the coming into force of section 2 of this Act in relation to that area;
(b) in relation to the metropolitan police district, the Commissioner of Police of the Metropolis immediately before the coming into force of section 4;

"existing police authority" means—
(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police authority established under section 3 of that Act for that area;
(b) in relation to the metropolitan police district, the Metropolitan Police Authority;

"local authority" means—
(a) in relation to England, a county council or a district council;
(b) in relation to Wales, a county council or a county borough council;

"new chief officer" means—

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(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the chief constable established for that police area under section 2 of this Act;

(b) in relation to the metropolitan police district, the Commissioner of Police of the Metropolis established under section 4;

"new policing body" means—

(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police and crime commissioner for that area;

(b) in relation to the metropolitan police district, the Mayor's Office for Policing and Crime;

"police force" means—

(a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police force maintained for that area under section 2 of that Act;

(b) in relation to the metropolitan police district, the metropolitan police force;

"transfer scheme", in relation to an existing police authority, means a scheme for transferring staff, property, rights or liabilities of that authority.

Commencement Information

I278 Sch. 15 para. 25 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, **Sch. 1**

SCHEDULE 16

Section 99

POLICE REFORM: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

POLICE ACT 1996

1 The Police Act 1996 is amended in accordance with this Part.

Commencement Information

I279 Sch. 16 para. 1 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

2 For the italic cross-heading before section 1 substitute— " *Police areas and police forces* ".

VALID FROM 22/11/2012

3 Omit the italic cross-heading before section 2.

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VALID FROM 22/11/2012

4 (1) Section 2 (maintenance of police forces) is amended in accordance with this paragraph.

(2) The existing provision of section 2 becomes subsection (1) of that section.

(3) After that subsection, insert—

"(2) For further provision about the maintenance of those police forces, see Chapter 1 of Part 1 of the Police Reform and Social Responsibility Act 2011.".

VALID FROM 22/11/2012

5 Omit—

(a) sections 3 to 5, and

(b) the italic cross-heading before section 5A.

6 (1) Section 5A (maintenance of the metropolitan police force) is amended in accordance with this paragraph.

(2) The existing provision of section 5A becomes subsection (1) of that section.

(3) After that subsection, insert—

"(2) For further provision about the maintenance of the metropolitan police force, see Chapter 2 of Part 1 of the Police Reform and Social Responsibility Act 2011.".

Commencement Information

I280 Sch. 16 para. 6 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

7 Omit sections 5B to 6.

Commencement Information

I281 Sch. 16 para. 7 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 10(4))

VALID FROM 22/11/2012

8 Before section 6ZA insert the following cross-heading— " *The City of London* ".

VALID FROM 22/11/2012

9 After that cross-heading insert—

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Common Council to remain police authority for City

"6AZA The Common Council of the City of London is to continue to be the police authority for the City of London police area.".

VALID FROM 22/11/2012

10 (1) Section 6ZA (power to confer particular functions on police authorities) is amended in accordance with this paragraph.

(2) In the title, for "**police authorities**" substitute " **the Common Council** ".

(3) In subsection (1), for "police authorities" substitute " the Common Council ".

(4) In subsection (2)—

(a) for "a police authority" substitute " the Common Council ";

(b) for "police force maintained for its area" substitute " the City of London police force ";

(c) for "the authority" substitute " the Common Council ".

(5) In subsection (3), for paragraphs (a) and (b) substitute—

"(a) the Common Council,

(b) the Commissioner of Police for the City of London, and".

(6) Omit subsection (4).

VALID FROM 22/11/2012

11 (1) Section 6ZB (plans by police authorities) is amended in accordance with this paragraph.

(2) In the title, for "**police authorities**" substitute " **the Common Council** ".

(3) In subsection (1)—

(a) for "every police authority" substitute " the Common Council ";

(b) for "the authority's" substitute "the Common Council's";

(c) for "its area" substitute " the City of London police area, and for the discharge by the City of London Police of its national or international functions ".

(4) For subsection (2) substitute—

"(2) In issuing a policing plan, the Common Council must have regard to the strategic policing requirement issued under section 37A.".

(5) In subsection (3)—

(a) for "a police authority" substitute " the Common Council ";

(b) for "relevant chief officer of police" substitute " Commissioner of Police for the City of London ";

(c) for "the authority" substitute " the Common Council ".

(6) In subsection (4)—
- (a) for "a police authority" substitute " the Common Council ";
- (b) for "relevant chief officer of police" (in the first place) substitute " Commissioner of Police for the City of London ";
- (c) for "authority for" substitute " Common Council for ";
- (d) for "Authority shall" substitute " Common Council shall ";
- (e) for "relevant chief officer of police" (in the second place) substitute " Commissioner of Police for the City of London ".

(7) In subsection (8), for paragraphs (a) and (b) substitute—
- "(a) the Common Council,
- (b) the Commissioner of Police for the City of London, and".

(8) Omit subsection (9).

(9) Omit subsection (11).

VALID FROM 22/11/2012

12 (1) Section 6ZC (reports by police authorities) is amended in accordance with this paragraph.

(2) In the title, for "**police authorities**" substitute " **the Common Council** ".

(3) In subsection (1)—
- (a) for "police authorities" substitute " the Common Council ";
- (b) for "policing of their areas" substitute " discharge of the Common Council's functions ".

(4) In subsection (3), for paragraphs (a) and (b) substitute—
- "(a) the Common Council,
- (b) the Commissioner of Police for the City of London, and".

(5) Omit subsection (4).

13 Omit sections 8A to 9G.

Commencement Information
I282 Sch. 16 para. 13 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 7)

14 Before section 9H insert the following cross-heading— " Police ranks ".

Commencement Information
I283 Sch. 16 para. 14 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

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VALID FROM 22/11/2012

15 Omit sections 10 to 12A.

16 Omit sections 14 to 17.

Commencement Information

I284 Sch. 16 para. 16 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 8)

VALID FROM 22/11/2012

17 Before section 18 insert the following cross-heading— " City of London ".

18 (1) Section 18 (supply of goods and services) is amended in accordance with this paragraph.

(2) In subsection (1), omit paragraph (a).

(3) In subsection (1)(b)—

(a) for "shall also apply with that modification" substitute " shall, ";

(b) at the end insert " , apply with the modification set out in subsection (2) ".

(4) In subsection (3)—

(a) for "A police authority" substitute " The Common Council in its capacity as police authority ";

(b) for "another police authority" substitute " another local policing body ";

(c) for "a police authority collaboration agreement" substitute " force collaboration provision in a collaboration agreement ".

Commencement Information

I285 Sch. 16 para. 18(1)(2) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 9)

VALID FROM 22/11/2012

19 Omit sections 19 to 21.

VALID FROM 22/11/2012

20 Omit the cross-heading "*General provisions*" before section 22.

VALID FROM 22/11/2012

21 (1) Section 22 (reports by chief constables to police authorities) is amended as follows.

(2) In subsection (1)—

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(a) for "Every chief officer of police of a police force" substitute " The Commissioner of Police for the City of London ";
(b) for "police authority" substitute " Common Council ";
(c) for the words from "the area" to "maintained" substitute " the City of London police area ".

(3) In subsection (2), for "A chief officer" substitute " The chief constable ".

(4) In subsection (3)—
(a) for "The chief officer of police of a police force" substitute " The Commissioner of Police for the City of London ";
(b) for "police authority" substitute " Common Council ";
(c) for "that authority" substitute " the Common Council ";
(d) for "area for which the force is maintained" substitute " City of London police area ".

(5) In subsection (4), for "police authority" substitute " Common Council ".

(6) In subsection (5)—
(a) for "chief officer" substitute " Commissioner of Police for the City of London ";
(b) for "police authority" substitute " Common Council ";
(c) for "that authority" substitute " the Common Council ".

(7) In subsection (6)—
(a) for "police authority" substitute " Common Council ";
(b) for "the authority" substitute " the Common Council ".

22 After section 22 insert the following cross-heading— " *General provisions* ".

Commencement Information
I286 Sch. 16 para. 22 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

23 (1) Section 24 (aid of one police force by another) is amended as follows.

(2) In subsection (3), for "sections 9A and 10(1)" substitute " sections 2 and 4 of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") ".

(3) For subsection (3A) substitute—

"(3A) While a member of the civilian staff of a police force maintained under section 2, or a member of the civilian staff of the metropolitan police force, is provided under this section for the assistance of another police force, that member of staff is, notwithstanding section 2 or 4 of the 2011 Act, under the direction and control of the chief officer of police of that other force.".

(4) In subsection (4)—
(a) for "police authority" (in both places) substitute " local policing body ";
(b) for "those authorities" substitute " those bodies ";
(c) for "police authorities" substitute " local policing bodies ".

(5) In subsection (4A)—

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(a) for "police authority" substitute " local policing body ";
(b) for "section 10(1)" substitute " sections 2 and 4 of the 2011 Act ".

Commencement Information
I287 Sch. 16 para. 23 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 10)

24 In section 25(1) (provision of special services)—
(a) for "police authority" substitute " local policing body ";
(b) for "that authority" substitute " that body ".

Commencement Information
I288 Sch. 16 para. 24 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

25 (1) Section 26 (provision of advice and assistance to international organisations etc) is amended in accordance with this paragraph.

(2) In subsection (1)—
(a) for "police authority" substitute " local policing body ";
(b) for "the authority" substitute " the body ".

(3) In subsection (2)—
(a) for "police authority" substitute " local policing body ";
(b) for "the authority" substitute " the body ".

(4) In subsections (5) and (6), for "police authority" substitute " local policing body ".

Commencement Information
I289 Sch. 16 para. 25 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

26 In section 27 (special constables), in subsection (2), for "police force collaboration agreement" substitute " collaboration agreement ".

Commencement Information
I290 Sch. 16 para. 26 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

27 In section 28 (police cadets), in subsection (3)—
(a) for "Without prejudice to subsection (2)" substitute " Accordingly ";
(b) for "the police authority that maintains a police force" substitute " the chief officer of a police force ".

Commencement Information
I291 Sch. 16 para. 27 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

28 (1) Section 30 (jurisdiction of constables) is amended in accordance with this paragraph.

(2) In subsection (3A)—

(a) for "section 24" substitute " section 22A ";
(b) for "police authority" substitute " local policing body ".

(3) In subsection (3B), for "police force collaboration agreement under section 23" substitute " collaboration agreement under section 22A ".

Commencement Information
I292 Sch. 16 para. 28 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

29 For section 31 (rewards for diligence) substitute—

"**31 Rewards for diligence**

(1) The chief constable of a police force maintained under section 2 may grant to members of that police force rewards for exceptional diligence or other specially meritorious conduct.

(2) The Commissioner of Police of the Metropolis may grant to members of the metropolitan police force rewards for exceptional diligence or other specially meritorious conduct.

(3) The Common Council may, on the recommendation of the Commissioner of Police for the City of London, grant out of the City of London police fund to members of the City of London police force rewards for exceptional diligence or other specially meritorious conduct.".

Commencement Information
I293 Sch. 16 para. 29 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 11)

30 (1) Section 39A (codes of practice for chief officers) is amended as follows.

(2) Omit subsection (3).

(3) In subsection (4)—
(a) for the words from "preparing" to "Agency" substitute " issuing or revising such a code, the Secretary of State ";
(b) for paragraph (a) substitute—
"(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
(aa) the Mayor's Office for Policing and Crime;
(ab) the Common Council;";
(c) for "it" substitute " the Secretary of State ".

Commencement Information
I294 Sch. 16 para. 30 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 12)

31 (1) Section 42A is amended in accordance with this paragraph.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
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(2) In the title, for "**removal of senior officers**" substitute " **exercise of powers under section 42** ".

(3) In subsection (1), omit "9E, 11 or".

(4) In subsection (2), for paragraph (a) substitute—

"(a) the Mayor's Office for Policing and Crime;".

Commencement Information
I295 Sch. 16 para. 31(1)(3)(4) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 13)

32 In section 50 (regulations for police forces), in subsection (4)(a), for "police authorities" substitute " local policing bodies ".

Commencement Information
I296 Sch. 16 para. 32 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

33 In section 51 (regulations for special constables), in subsection (3A)(a), for "police authorities" substitute " local policing bodies ".

Commencement Information
I297 Sch. 16 para. 33 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

34 In section 52 (regulations for police cadets), in subsection (1A)(a), for "police authorities" substitute " local policing bodies ".

Commencement Information
I298 Sch. 16 para. 34 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

35 (1) Section 53A (regulation of procedures and practices) is amended in accordance with this paragraph.

(2) In subsection (2), omit paragraph (b) (and the word "and" at the end of paragraph (a)).

(3) In subsection (3), for paragraph (a) substitute—

"(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(aa) the Mayor's Office for Policing and Crime;

(ab) the Common Council;".

(4) Omit subsection (5).

(5) In subsection (6), omit paragraph (a).

Commencement Information
I299 Sch. 16 para. 35(1)(3) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 14)

36 (1) Section 57 (common services) is amended in accordance with this paragraph.

(2) In subsection (4), for paragraph (a) substitute—

"(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(aa) the Mayor's Office for Policing and Crime,

(ab) the Common Council,".

(3) Omit subsections (5) and (6).

Commencement Information

I300 Sch. 16 para. 36(1)(2) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 15)

37 In section 60 (regulations for Police Federations), in subsection (2)—

(a) in paragraph (c), after "Federations to" insert " local policing bodies, ";

(b) in paragraph (d), after "provided by" insert " local policing bodies or ".

Commencement Information

I301 Sch. 16 para. 37 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

38 In section 61 (the Police Negotiating Board for the United Kingdom), in subsection (1)(a), for "authorities" substitute " persons and bodies ".

Commencement Information

I302 Sch. 16 para. 38 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

39 In section 63 (Police Advisory Boards for England and Wales and for Scotland), in subsection (2), after "interests" insert " of local policing bodies, ".

Commencement Information

I303 Sch. 16 para. 39 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

40 In section 84 (representation etc at disciplinary and other proceedings), in the definition of "relevant authority" in subsection (4)—

(a) in paragraph (a), for "a senior officer" substitute " the chief officer of police ";

(b) in paragraph (b), for "a senior officer, the police authority" substitute " the chief officer of police, the local policing body ".

Commencement Information

I304 Sch. 16 para. 40 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 8(3)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

41 In section 87 (guidance concerning disciplinary proceedings etc), in subsection (1)—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(a) for paragraph (a) substitute—

"(a) local policing bodies,";

(b) for paragraph (e), substitute—

"(e) members of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011).".

Commencement Information

I305 Sch. 16 para. 41 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

42 (1) Section 88 (liability of wrongful acts of constables) is amended in accordance with this paragraph.

(2) In subsections (2)(b) and (4), for "police authority" substitute " local policing body ".

(3) In subsection (5)—

(a) in paragraph (a), for "police authority" substitute " local policing body ";

(b) in paragraph (c), for "authority's" substitute "local policing body's".

(4) In subsection (5A), for "police authority" (in each place) substitute " local policing body ".

(5) In subsection (6), for "police authority" (in each place) substitute " local policing body ".

Commencement Information

I306 Sch. 16 para. 42 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

43 In section 93 (acceptance of gifts or loans), in subsection (1), for "the authority" substitute " the body ".

Commencement Information

I307 Sch. 16 para. 43 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

44 In section 97 (police officers engaged on service outside their force), in subsection (2), for "police authority" (in each place) substitute " local policing body ".

Commencement Information

I308 Sch. 16 para. 44 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

45 (1) Section 98 (cross-border aid of one police force by another) is amended in accordance with this paragraph.

(2) In subsection (6)—

(a) for "police authority" (in each place) substitute " local policing body ";

(b) for "those authorities" substitute " those bodies ";

(c) for "police authorities" substitute " local policing bodies ".

(3) Before subsection (7) insert—

"(6B) In this section "local policing body" includes—

(a) a police authority in Scotland, and

(b) the Northern Ireland Policing Board.".

Commencement Information

I309 Sch. 16 para. 45 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

46 Omit Schedules 2 and 2A.

Commencement Information

I310 Sch. 16 para. 46 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 16)

47 (1) Schedule 6 (appeals to Police Appeals Tribunals) is amended in accordance with this paragraph.

(2) In paragraph 2(1)—

(a) for "four members" substitute " three members ";

(b) for "relevant police authority" (in the first place) substitute " relevant local policing body ";

(c) in sub-paragraph (b), at the end insert " and ";

(d) omit sub-paragraph (c).

(3) In paragraph 9, for "relevant police authority" (in each place) substitute " relevant local policing body ".

(4) In paragraph 10(b), for "relevant police authority" means the police authority" substitute "relevant local policing body" means the local policing body".

Commencement Information

I311 Sch. 16 para. 47 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

PART 2

GREATER LONDON AUTHORITY ACT 1999

48 The Greater London Authority Act 1999 is amended in accordance with this Part.

Commencement Information

I312 Sch. 16 para. 48 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

49 In section 45 (Mayor's periodic report to Assembly), in subsection (7)(b), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I313 Sch. 16 para. 49 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

50 In section 54 (discharge of functions by committees or single members), omit subsection (6).

Commencement Information
I314 Sch. 16 para. 50 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

51 In section 61 (power to require attendance at Assembly meetings), in subsection (12), omit paragraph (a).

Commencement Information
I315 Sch. 16 para. 51 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

52 In section 86 (provisions supplemental to section 85), in subsection (2), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information
I316 Sch. 16 para. 52 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

53 (1) Section 90 (the special item for the purposes of section 89) is amended as follows.

(2) In subsection (1), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

(3) In subsection (2)—

(a) for "Metropolitan Police Authority" (in each place) substitute " Mayor's Office for Policing and Crime ";

(b) in paragraph (b), for "that Authority" substitute " that Office ".

Commencement Information
I317 Sch. 16 para. 53 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

54 In section 389 (the Superannuation Act 1972), in subsection (1)(d), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information
I318 Sch. 16 para. 54 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

55 In section 404 (discrimination), in subsection (1)(b), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information
I319 Sch. 16 para. 55 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

56 In section 408 (transfers of property, rights or liabilities), in subsection (2), for paragraph (f) substitute—

"(f) a police and crime commissioner;".

57 In section 411 (pensions), omit subsection (9).

Commencement Information
I320 Sch. 16 para. 57 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

58 In section 419 (taxation), in subsection (1)(b), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information
I321 Sch. 16 para. 58 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

59 In Schedule 4 (exercise of functions during vacancy or temporary incapacity of Mayor), omit—

(a) paragraph 9, and
(b) paragraph 17.

Commencement Information
I322 Sch. 16 para. 59 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

PART 3

OTHER ENACTMENTS

Tramways Act 1870

60 In the Tramways Act 1870, in the heading of section 61 (power for local or police authorities to regulate traffic in roads), for "**local or police authorities**" substitute " **local authorities and police** ".

Commencement Information
I323 Sch. 16 para. 60 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Riot (Damages) Act 1886

61 In the Riot (Damages) Act 1886, in section 9 (definitions), in paragraph (c) of the definition of "compensation authority", for "police authority" substitute " local policing body ".

Commencement Information
I324 Sch. 16 para. 61 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Police (Property) Act 1897

62 (1) In the Police (Property) Act 1897, section 2 (regulations with respect to unclaimed property in possession of police) is amended as follows.

(2) In subsection (2A)—
(a) for "relevant authority" (in each place) substitute " relevant body ";
(b) in paragraph (d), for "the authority" substitute " the relevant body ".

(3) In subsection (2B)—
(a) for "relevant authority" substitute " relevant body ";
(b) for "police authority" substitute " local policing body ".

Commencement Information
I325 Sch. 16 para. 62 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Licensing Act 1902

63 In the Licensing Act 1902, in section 6 (prohibition on sale of liquor to persons declared to be habitual drunkards), for "police authority" (in each place) substitute " local policing body ".

Commencement Information
I326 Sch. 16 para. 63 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government (Emergency Provisions) Act 1916

64 In the Local Government (Emergency Provisions) Act 1916, in section 21 (interpretation), after "Provided that where any such authority is" insert " a local policing body or ".

Commencement Information
I327 Sch. 16 para. 64 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Police, Factories, &c (Miscellaneous Provisions) Act 1916

65 (1) In the Police, Factories, &c (Miscellaneous Provisions) Act 1916, section 5 (regulation of street collections) is amended as follows.

(2) In subsection (1A), for paragraph (b) substitute—

"(b) the Mayor's Office for Policing and Crime, and".

(3) In subsection (2)(b), for "a police authority" substitute " the Mayor's Office for Policing and Crime ".

Commencement Information
I328 Sch. 16 para. 65 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Children and Young Persons Act 1933

66 The Children and Young Persons Act 1933 is amended as follows.

Commencement Information
I329 Sch. 16 para. 66 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

67 In section 7 (sale of tobacco, etc, to persons under 18), in subsection (3), for "police authority" substitute " local policing body ".

Commencement Information
I330 Sch. 16 para. 67 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

68 In section 12 (failing to provide for safety of children at entertainments), in subsection (5)(b), for "police authority" substitute " chief officer of police ".

Commencement Information
I331 Sch. 16 para. 68 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

69 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.

Commencement Information
I332 Sch. 16 para. 69 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

70 In section 18 (protection of tenure, in connection with employment, under a licence or a rent-free letting, by extension of the Rent Acts), in subsection (6)—

(a) after "either by the" insert " relevant local policing body or ";

(b) for "that authority" substitute " that body or authority ".

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I333 Sch. 16 para. 70 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

71 In section 20 (modifications of Rent Acts as respects occupation by employees), in subsection (3)(b), after "required by the" insert " relevant local policing body or ".

Commencement Information
I334 Sch. 16 para. 71 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

72 In section 23 (interpretation of Part 2), in subsection (1), in the definition of "relevant police authority"—

(a) for " "relevant police authority"" substitute " "relevant local policing body" or "relevant police authority"";

(b) for "the police authority" substitute " the local policing body or the police authority ".

Commencement Information
I335 Sch. 16 para. 72 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

73 In Schedule 2 (capacities in respect of which payments may be made under Part 5, and paying authorities), in Part 1, in the second column of entry number 4, at the beginning insert " The local policing body or ".

Commencement Information
I336 Sch. 16 para. 73 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

Town and Country Planning Act 1959

74 In the Town and Country Planning Act 1959, in Part 1 of Schedule 4 (authorities in England and Wales to whom Part 2 applies), omit paragraph 8.

VALID FROM 22/11/2012

Land Compensation Act 1961

75 In the Land Compensation Act 1961, in section 29 (interpretation of Part 4), in the definition of "local authority" in subsection (1), in paragraph (a) omit ", or a combined police authority".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

Trustee Investments Act 1961

76 The Trustee Investments Act 1961 is amended as follows.

77 In section 11 (Local Authority investment schemes), in subsection (4)(a), for the words from "police authority" to "1996" substitute " police and crime commissioner ".

78 In Schedule 1 (manner of investment), in Part 2 (narrower-range of investments requiring advice), in paragraph 9, for paragraph (d) substitute—

"(d) a police and crime commissioner;".

Local Government (Records) Act 1962

79 The Local Government (Records) Act 1962 is amended as follows.

Commencement Information
I337 Sch. 16 para. 79 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

80 In section 2 (acquisition and deposit of records), in subsection (6), omit the words from "to a police authority" to "Metropolitan Police Authority,".

Commencement Information
I338 Sch. 16 para. 80 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 17)

81 In section 8 (interpretation), in subsection (1), omit the words from "a police authority" to "Metropolitan Police Authority,".

Commencement Information
I339 Sch. 16 para. 81 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 18)

Pipe-lines Act 1962

82 In the Pipe-lines Act 1962, in section 37 (fire brigades, police etc to be notified of certain pipe-line accidents and to be furnished with information), in subsections (1)(a) and (2)(a), after "rescue authority" insert " , local policing body ".

Commencement Information
I340 Sch. 16 para. 82 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Offices, Shops and Railway Premises Act 1963

83 In the Offices, Shops and Railway Premises Act 1963, in section 90 (interpretation), in subsection (4)(c), after "maintained by" insert " a local policing body or ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I341 Sch. 16 para. 83 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government Act 1966

84 In the Local Government Act 1966, in section 11 (grants for certain expenditure due to ethnic minority population), in subsection (2) for the words from "police authority" to "Metropolitan Police Authority" substitute " police and crime commissioner, the Mayor's Office for Policing and Crime ".

Commencement Information
I342 Sch. 16 para. 84 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 19)

Leasehold Reform Act 1967

85 (1) In the Leasehold Reform Act 1967, section 28 (retention or resumption of land required for public purposes) is amended in accordance with this paragraph.

(2) In subsection (5)(a), for the words from "police authority" to "Metropolitan Police Authority" substitute " police and crime commissioner and the Mayor's Office for Policing and Crime ".

(3) In subsection (6), omit the second paragraph (a) (which appears after "However—").

Commencement Information
I343 Sch. 16 para. 85(1)(2) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 20)

Superannuation (Miscellaneous Provisions) Act 1967

86 The Superannuation (Miscellaneous Provisions) Act 1967 is amended as follows.

Commencement Information
I344 Sch. 16 para. 86 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

87 (1) Section 11 (pensions of certain persons transferring to different employment) is amended in accordance with this paragraph.

(2) In subsection (8), for "police authority" substitute " police pension authority ".

(3) After subsection (8) insert—

"(9) In this section "police pension authority" means—

(a) the chief constable of any police force maintained under section 2 of the Police Act 1996;

(b) the Commissioner of Police of the Metropolis;

(c) the Common Council of the City of London in its capacity as a police authority; and

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(d) any police authority within the meaning of the Police (Scotland) Act 1967.”.

Commencement Information
I345 Sch. 16 para. 87 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 21)

88 (1) Section 15 (superannuation of metropolitan civil staffs) is amended in accordance with this paragraph.

(2) In subsection (1), in paragraph (a)(i), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime or the Commissioner of Police of the Metropolis ”.

(3) For subsection (2) substitute—

“(2) The Mayor's Office for Policing and Crime shall have power to grant pensions or other benefits to or in respect of persons who are members of the metropolitan civil staffs by virtue of employment by that Office.

(2ZA) The Commissioner of Police of the Metropolis shall have power to grant pensions or other benefits to or in respect of persons who are members of the metropolitan civil staffs by virtue of employment by the Commissioner.”.

(4) In subsection (2A)—

(a) for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime, and the Commissioner of Police of the Metropolis, ”;

(b) for “it” substitute “ that Office or Commissioner ”.

(5) In subsection (6), for “and with the Metropolitan Police Authority” substitute “ with the Mayor's Office for Policing and Crime, and with the Commissioner of Police of the Metropolis ”.

(6) In subsection (7), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime or the Commissioner of Police of the Metropolis ”.

Commencement Information
I346 Sch. 16 para. 88 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Firearms Act 1968

89 The Firearms Act 1968 is amended as follows.

Commencement Information
I347 Sch. 16 para. 89 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

90 In section 54 (application of Parts 1 and 2 to Crown servants), for subsection (3)(b) substitute—

“(b) a civilian officer, or”.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I348 Sch. 16 para. 90 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

91 In section 57 (interpretation), in subsection (4), for the definition of "civilian officer" substitute—

""civilian officer" means—

(a) as respects England and Wales—

(i) a person employed by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011,

(ii) a person employed by the Commissioner of Police of the Metropolis, or

(iii) a person employed by the Corporation of the City of London who is under the direction and control of the Commissioner of Police for the City of London;

(b) as respects Scotland, a person employed by a police authority who is under the direction and control of a chief officer of police;".

Commencement Information
I349 Sch. 16 para. 91 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 22)

Employers' Liability (Compulsory Insurance) Act 1969

92 In the Employers' Liability (Compulsory Insurance) Act 1969, in section 3 (employers exempted from insurance), in subsection (2)(b), for "and any police authority" substitute " , any local policing body, any chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, and the Commissioner of Police of the Metropolis ".

Commencement Information
I350 Sch. 16 para. 92 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government Grants (Social Need) Act 1969

93 In the Local Government Grants (Social Need) Act 1969, in section 1 (provision of grants), in subsection (3), for the words from "police authority" to "Metropolitan Police Authority" substitute " police and crime commissioner, the Mayor's Office for Policing and Crime ".

Commencement Information
I351 Sch. 16 para. 93 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 23)

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

Local Authorities (Goods and Services) Act 1970

94 In the Local Authorities (Goods and Services) Act 1970, in section 1 (supply of goods and services by local authorities), in the definition of "public body" in subsection (4), for the words from "police authority" to "1996" substitute " police and crime commissioner ".

Pensions (Increase) Act 1971

95 The Pensions (Increase) Act 1971 is amended as follows.

Commencement Information
I352 Sch. 16 para. 95 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

96 In Schedule 2 (official pensions), Part 2 (pensions out of local funds) is amended in accordance with paragraphs 97 and 98.

Commencement Information
I353 Sch. 16 para. 96 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

97 (1) Paragraph 51 is amended in accordance with this paragraph.

(2) For "police authority" (in the first place) substitute " local policing body or a chief officer of police ".

(3) In sub-paragraph (a), for "such a police authority; or" substitute " a police authority; ".

(4) After sub-paragraph (a), insert—

"(aa) service as a member of staff of a police and crime commissioner;

(ab) service as a member of staff of the Mayor's Office for Policing and Crime;

(ac) service as a member of the civilian staff of a police force; or".

(5) In sub-paragraph (b), for "by such a" substitute " by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, by the Commissioner of Police of the Metropolis or by a ".

(6) After sub-paragraph (b) insert—

"In this paragraph—

(a) references to the staff of a police and crime commissioner, the staff of the Mayor's Office for Policing and Crime, and the civilian staff of a police force, have the same meanings as in Part 1 of the Police Reform and Social Responsibility Act 2011;

(b) "police force" includes the metropolitan police force.".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I354 Sch. 16 para. 97 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 24)

98 In paragraph 52, after "A pension payable by" insert " a police and crime commissioner, the Mayor's Office for Policing and Crime, a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, the Commissioner of Police of the Metropolis or ".

Commencement Information
I355 Sch. 16 para. 98 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

99 In Schedule 6 (employments relevant to section 13(2)(a)), in sub-paragraph (c)—
(a) after "Metropolitan Police Authority" insert " or the Mayor's Office for Policing and Crime ";
(b) after "employment" insert " before the repeal of section 14(4) of the Police Act 1996 ";
(c) after "Fund" insert " or employment after that repeal ".

Commencement Information
I356 Sch. 16 para. 99 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government Act 1972

100 The Local Government Act 1972 is amended as follows.

Commencement Information
I357 Sch. 16 para. 100 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

101 In section 60 (procedure for reviews), in subsection (2)(a)(i) and (c) and subsection (5)(b), for "police authority" substitute " police and crime commissioner ".

102 In section 98 (interpretation of sections 95 and 97), in subsection (1A) omit the words from "and a police authority" to "Metropolitan Police Authority".

Commencement Information
I358 Sch. 16 para. 102 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 25)

103 In section 99 (meetings and proceedings of local authorities), omit the words from "police authorities" to "Metropolitan Police Authority,".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I359 Sch. 16 para. 103 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 26)

104 (1) Section 100J (application to new authorities, Common Council, etc) is amended in accordance with this paragraph.

(2) In subsection (1), omit paragraphs (e) and (eza).

(3) In subsection (3), omit “, (e), (eza)”.

(4) In subsection (4)(a)—

(a) after “economic prosperity board,” insert “ or ”;

(b) omit the words from “or a police authority” to “Metropolitan Police Authority”.

Commencement Information
I360 Sch. 16 para. 104 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 27)

VALID FROM 22/11/2012

105 In section 101 (arrangements for discharge of functions by local authorities), in subsection (13) omit “except a police authority”.

VALID FROM 22/11/2012

106 (1) Section 107 (application of foregoing provisions to police authorities) is amended as follows.

(2) In the title, for “**police authorities**” substitute “ **the Common Council** ”.

(3) For subsection (1) substitute—

“(1) In their application to the Common Council as police authority, sections 101 to 106 shall have effect subject to the following provisions of this section (and in those provisions references to the Common Council are references to the Council as police authority).”.

(4) In subsection (2)—

(a) for “A police authority” substitute “ The Common Council ”;

(b) for “another police authority” substitute “ another local policing body ”;

(c) for “a police authority” substitute “ the Common Council ”.

(5) In subsection (3)—

(a) for “a police authority” substitute “ the Common Council ”;

(b) for the words from “by” to the end substitute “ by the Common Council ”.

(6) In subsection (3A)—

(a) for “a police authority” substitute “ the Common Council ”;

(b) for “the authority” substitute “ the Common Council ”;

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(c) for "the authority's" substitute "the Common Council's".

(7) In subsection (3B)—
(a) for "a police authority" substitute " the Common Council ";
(b) for "that authority" substitute " the Common Council ".

(8) In subsection (4)—
(a) for "a police authority" substitute " the Common Council ";
(b) for "the authority" substitute " the Common Council ".

(9) In subsection (4A)(c), for "a police authority" substitute " the Common Council ".

(10) In subsection (5), for "a police authority" substitute " the Common Council ".

(11) Omit subsection (7).

(12) In subsection (8)—
(a) for "a police authority" substitute " the Common Council ";
(b) for "any such authority or authorities" substitute " the Common Council ";
(c) for the words from "by" to the end, substitute " by the Common Council ".

107 In section 120 (acquisition of land compulsorily by principal councils), after subsection (3) insert—

"(3A) Police and crime commissioners and the Mayor's Office for Policing and Crime are to be treated as principal councils for the purposes of—
(a) this section (apart from subsection (1)(b)), and
(b) section 121.".

Commencement Information
I361 Sch. 16 para. 107 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 28)

108 (1) Section 146A (Joint Authorities) is amended in accordance with this paragraph.

(2) In subsection (1)—
(a) after "joint waste authority," insert " and ";
(b) omit the words from "a police authority" to "Metropolitan Police Authority".

(3) Omit subsections (1A) to (1C).

Commencement Information
I362 Sch. 16 para. 108 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 29)

109 In section 223 (appearance of local authorities in legal proceedings), in subsection (2), for the words from "police authority" to "Metropolitan Police Authority" substitute " police and crime commissioner and the Mayor's Office for Policing and Crime ".

Commencement Information
I363 Sch. 16 para. 109 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 30)

110 In section 228 (inspection of documents), in subsection (7A)—
(a) after "economic prosperity board," insert " or ";
(b) omit the words from "or a police authority" to "Metropolitan Police Authority".

Commencement Information
I364 Sch. 16 para. 110 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 31)

111 In section 229 (photographic copies of documents), in subsection (8), for the words from "and a police authority" to "Metropolitan Police Authority" substitute " , a police and crime commissioner and the Mayor's Office for Policing and Crime ".

Commencement Information
I365 Sch. 16 para. 111 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 32)

112 In section 231 (service of notices on local authorities, etc), in subsection (4), for the words from "and a police authority" to "Metropolitan Police Authority" substitute " , a police and crime commissioner and the Mayor's Office for Policing and Crime ".

Commencement Information
I366 Sch. 16 para. 112 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 33)

113 In section 232 (public notices), in subsection (1A), for the words from "and a police authority" to "Metropolitan Police Authority" substitute " , a police and crime commissioner and the Mayor's Office for Policing and Crime ".

Commencement Information
I367 Sch. 16 para. 113 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 34)

114 In section 233 (service of notices by local authorities), in subsection (11), for the words from "and a police authority" to "Metropolitan Police Authority" substitute " , a police and crime commissioner and the Mayor's Office for Policing and Crime ".

Commencement Information
I368 Sch. 16 para. 114 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 35)

115 In section 234 (authentication of documents), in subsection (4), for the words from "and a police authority" to "Metropolitan Police Authority" substitute " , a police and crime commissioner and the Mayor's Office for Policing and Crime ".

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Commencement Information
I369 Sch. 16 para. 115 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 36)

116 (1) Schedule 12 (meetings and proceedings of local authorities) is amended in accordance with this paragraph.

(2) In paragraph 6A(1)—

(a) after "economic prosperity board," insert " or ";

(b) omit the words from "or a police authority" to "Metropolitan Police Authority".

(3) In paragraph 6B, omit sub-paragraph (b) (and the word "and" that precedes it).

(4) In paragraph 46, omit the words from "and a police authority" to "Metropolitan Police Authority".

Commencement Information
I370 Sch. 16 para. 116 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 37)

Superannuation Act 1972

117 (1) In the Superannuation Act 1972, in Schedule 1 (kinds of employment, etc, referred to in section 1), the entries headed "Other Bodies" are amended in accordance with this paragraph.

(2) After the entry relating to employment by the Commissioner for Public Appointments in Scotland, insert— " Employment by the Commissioner of Police of the Metropolis. ".

(3) For "The Metropolitan Police Authority." substitute " Employment by the Mayor's Office for Policing and Crime. ".

Commencement Information
I371 Sch. 16 para. 117 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Employment Agencies Act 1973

118 In the Employment Agencies Act 1973, in section 13 (interpretation), in subsection (7)—

(a) in paragraph (f), omit the words from ", a police authority" to "1996";

(b) for paragraph (fa) substitute—

"(fa) the exercise by a police and crime commissioner of any of the commissioner's functions;

(fb) the exercise by the Mayor's Office for Policing and Crime of any of that Office's functions;

(fc) the exercise by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011 of any of the chief constable's functions;

(fd) the exercise by the Commissioner of Police of the Metropolis of any of the Commissioner's functions;".

Commencement Information
I372 Sch. 16 para. 118 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 38)

Health and Safety at Work etc Act 1974

119 (1) In the Health and Safety at Work etc Act 1974, section 51A (application of Part to police) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (a), for "means the chief officer of police" substitute "means—

(i) the chief officer of police of that force, or

(ii) in the case of a member of the force or a special constable who is, by virtue of a collaboration agreement under section 22A of the Police Act 1996, under the direction and control of a chief officer (within the meaning given by section 23I of that Act), that chief officer,";

(b) in paragraph (c), for "means the person who has the direction and control of the body of constables or cadets in question" substitute "means—

(i) the person who has the direction and control of the body of constables or cadets in question, or

(ii) in the case of a constable who is, by virtue of a collaboration agreement under section 22A of the Police Act 1996, under the direction and control of a chief officer (within the meaning given by section 23I of that Act), that chief officer.".

(3) In subsection (2A), after "shall" insert " , if not a corporation sole, ".

Commencement Information
I373 Sch. 16 para. 119 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government Act 1974

120 The Local Government Act 1974 is amended as follows.

Commencement Information
I374 Sch. 16 para. 120 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

121 In section 25 (authorities subject to investigation), in subsection (1), for paragraphs (ca) and (caa) substitute—

"(ca) any police and crime commissioner;

(caa) the Mayor's Office for Policing and Crime;".

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Commencement Information
I375 Sch. 16 para. 121 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 39)

122 In Schedule 5 (matters not subject to investigation), in paragraph 2 for "police authority" substitute " local policing body ".

Commencement Information
I376 Sch. 16 para. 122 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

House of Commons Disqualification Act 1975

123 In the House of Commons Disqualification Act 1975, in section 1 (disqualification of holders of certain offices and places), in subsection (1)(d) after "maintained by" insert " a local policing body or ".

Commencement Information
I377 Sch. 16 para. 123 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Northern Ireland Assembly Disqualification Act 1975

124 In the Northern Ireland Assembly Disqualification Act 1975, in section 1 (disqualification of holders of certain offices and places), in subsection (1)(d) after "maintained by" insert " a local policing body or ".

Commencement Information
I378 Sch. 16 para. 124 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government (Miscellaneous Provisions) Act 1976

125 The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.

Commencement Information
I379 Sch. 16 para. 125 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

126 In section 30 (power to forego repayments of advances of remuneration paid to deceased employees), for subsection (3) substitute—

"(3) For the purposes of this section—

(a) the cases in which a person is in the employment of a local authority are to be taken to include cases where a person is a member of a police force maintained by a local authority; and

(b) in such cases, references to employment are to be construed accordingly.".

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Commencement Information
I380 Sch. 16 para. 126 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

127 In section 44 (interpretation etc of Part 1), in subsection (1), in paragraph (a) of the definition of "local authority", for the words from "police authority" to "Metropolitan Police Authority" substitute " police and crime commissioner, the Mayor's Office for Policing and Crime ".

Commencement Information
I381 Sch. 16 para. 127 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 40)

Police Pensions Act 1976

128 The Police Pensions Act 1976 is amended as follows.

Commencement Information
I382 Sch. 16 para. 128 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

129 In section 1 (police pensions regulations), in subsection (2A), for "police authorities" substitute " police pension authorities ".

Commencement Information
I383 Sch. 16 para. 129 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

130 In section 6 (appeals)—

(a) in subsection (1)(a), for "police authority" substitute " police pension authority ";

(b) in subsection (2)—

(i) for "police authority" substitute " police pension authority ";

(ii) for "them" substitute " that authority ";

(iii) for "they are" substitute " that authority is ";

(c) in subsection (3), for "police authority" substitute " police pension authority ".

Commencement Information
I384 Sch. 16 para. 130 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

131 In section 8A (information in connection with police pensions etc), for "police authority" (in each place) substitute " police pension authority ".

Commencement Information
I385 Sch. 16 para. 131 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
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132 (1) Section 11 (interpretation) is amended in accordance with this paragraph.

(2) In subsection (2), the second paragraph (g) becomes paragraph (h).

(3) In subsection (2), for the words before paragraph (a), substitute—

"(2) In this Act—

"police pension authority" means—

(a) the chief constable of any police force maintained under section 2 of the Police Act 1996;

(b) the Commissioner of Police of the Metropolis;

(c) the Common Council of the City of London in its capacity as a police authority; and

(d) any police authority within the meaning of the Police (Scotland) Act 1967;

"pension supervising authority" means—

(a) any local policing body within the meaning of the Police Act 1996; and

(b) any police authority within the meaning of the Police (Scotland) Act 1967.

(2A) But—"(and, accordingly, paragraphs (a) to (h) of subsection (2) become those paragraphs of subsection (2A)).

(4) In subsection (2A), in paragraphs (a) to (h), for "it" (in each place) substitute " " police pension authority " or "pension supervising authority" ".

Commencement Information

I386 Sch. 16 para. 132 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 41)

133 In Schedule 1 (pensions under repealed enactments), in paragraph 2 (forfeiture of pensions), for "police authority" (in each place) substitute " pension supervising authority ".

Commencement Information

I387 Sch. 16 para. 133 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

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Rent (Agriculture) Act 1976

134 In the Rent (Agriculture) Act 1976, in section 5 (no statutory tenancy where landlord's interest belongs to Crown or to local authority etc), in subsection (3), for paragraph (baa) substitute—

"(baa) a police and crime commissioner;".

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Rent Act 1977

135 In the Rent Act 1977, in section 14 (landlord's interest belonging to local authority etc), in subsection (1), for paragraph (caa) substitute—

"(caa) a police and crime commissioner;".

Highways Act 1980

136 The Highways Act 1980 is amended as follows.

Commencement Information
I388 Sch. 16 para. 136 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

137 In section 118B (stopping up of certain highways for purposes of crime prevention etc), in subsection (6), for "police authority" substitute " local policing body ".

Commencement Information
I389 Sch. 16 para. 137 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

138 In section 119B (diversion of certain highways for purposes of crime prevention etc), in subsection (6), for "police authority" substitute " local policing body ".

Commencement Information
I390 Sch. 16 para. 138 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

139 In section 120 (exercise of powers of making public path extinguishment and diversion orders), in subsection (3B), for "police authority" substitute " local policing body ".

Commencement Information
I391 Sch. 16 para. 139 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government, Planning and Land Act 1980

140 The Local Government, Planning and Land Act 1980 is amended as follows.

Commencement Information
I392 Sch. 16 para. 140 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

141 In section 99 (directions to dispose of land — supplementary), in subsection (4), for paragraphs (dc) and (dcc) substitute—

"(dc) a police and crime commissioner;

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(dcc) the Mayor's Office for Policing and Crime;".

Commencement Information
I393 Sch. 16 para. 141 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 42)

142 In Schedule 16 (bodies to whom Part 10 applies), for paragraphs 5C and 5CC substitute—

"5C A police and crime commissioner.

5CC The Mayor's Office for Policing and Crime.".

Commencement Information
I394 Sch. 16 para. 142 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 43)

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Acquisition of Land Act 1981

143 In the Acquisition of Land Act 1981, in section 17(4) (local authority and statutory undertakers' land), in paragraph (a) of the definition of "local authority", omit ", a police authority established under section 3 of the Police Act 1996".

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Animal Health Act 1981

144 In the Animal Health Act 1981, in section 10A(1)(a) (annual review of import controls), omit ", police authorities".

Finance Act 1981

145 In the Finance Act 1981, in section 107 (sale of houses at discount by local authorities etc), in subsection (3)(k)—

(a) for "police authority" substitute " local policing body ";

(b) for "1996 or" substitute " 1996, or a police authority within the meaning of ".

Commencement Information
I395 Sch. 16 para. 145 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Aviation Security Act 1982

146 The Aviation Security Act 1982 is amended as follows.

Commencement Information
I396 Sch. 16 para. 146 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

147 In section 24AG (security executive groups), in subsection (2)(c), at the beginning insert " in the case of an aerodrome in Scotland or Northern Ireland, ".

Commencement Information
I397 Sch. 16 para. 147 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

148 In section 24AT (interpretation), in subsection (6)(c), at the beginning insert " in the case of an aerodrome in Scotland or Northern Ireland, ".

Commencement Information
I398 Sch. 16 para. 148 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

149 (1) Section 25B (police services agreements) is amended as follows.

(2) In subsection (4)(b), at the beginning insert " in the case of an aerodrome in Scotland or Northern Ireland, ".

(3) After subsection (4) insert—

"(4A) Before entering into a police services agreement relating to an aerodrome in England or Wales, or a variation of such an agreement, the chief officer of police for the relevant police area must consult the local policing body for that area.".

Commencement Information
I399 Sch. 16 para. 149 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

150 In section 25E (discharge of functions of relevant persons in relation to police services agreements), in subsection (2)(c)—

(a) after "incurred by" insert " the local policing body (in the case of an aerodrome in England or Wales) or ";

(b) after "police authority" insert " (in the case of an aerodrome in Scotland or Northern Ireland) ".

Commencement Information
I400 Sch. 16 para. 150 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

151 In section 26 (exercise of police functions at relevant aerodromes)—

(a) for "police authority" (in each place) substitute " local policing body or police authority ";

(b) in subsection (2C)(a), after "reimburse the" insert " body or ".

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Commencement Information
I401 Sch. 16 para. 151 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

152 In section 29 (control of road traffic at relevant aerodromes), in subsection (2)(a), for "police authority" substitute " chief officer of police (in the case of an aerodrome in England or Wales) or the police authority (in any other case) ".

Commencement Information
I402 Sch. 16 para. 152 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

153 In section 29D (dispute resolution: powers), for "police authority" (in each place) substitute " local policing body or police authority ".

Commencement Information
I403 Sch. 16 para. 153 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

154 (1) Section 31 (interpretation of Part 3 etc) is amended in accordance with this paragraph.

(2) In subsection (1), in the definition of "relevant persons", at the end insert " , as read with subsection (1ZA) below ".

(3) After subsection (1) insert—

"(1ZA) In relation to a dispute about payments to be made which is within section 29A(2)(d) and concerns an aerodrome in England or Wales, "relevant persons" includes the local policing body for the relevant police area.".

Commencement Information
I404 Sch. 16 para. 154 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government (Miscellaneous Provisions) Act 1982

155 The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

Commencement Information
I405 Sch. 16 para. 155 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

156 In section 33 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a), for the words from "police authority" to "Metropolitan Police Authority" substitute " police and crime commissioner, the Mayor's Office for Policing and Crime, ".

Commencement Information
I406 Sch. 16 para. 156 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 44)

157 In section 41 (lost and uncollected property), in the definition of "local authority" in subsection (13), for paragraphs (ca) and (caa) substitute—

"(ca) a police and crime commissioner; and

(caa) the Mayor's Office for Policing and Crime; and."

Commencement Information
I407 Sch. 16 para. 157 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 45)

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Stock Transfer Act 1982

158 In the Stock Transfer Act 1982, in Schedule 1 (specified securities), in paragraph 7(1), for sub-paragraph (ba) substitute—

"(ba) any police and crime commissioner.".

County Courts Act 1984

159 In the County Courts Act 1984, in section 60 (right of audience), in subsection (3), in the definition of "local authority" for the words from "a police authority" to "Metropolitan Police Authority" substitute " a police and crime commissioner, the Mayor's Office for Policing and Crime ".

Commencement Information
I408 Sch. 16 para. 159 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 46)

Police and Criminal Evidence Act 1984

160 The Police and Criminal Evidence Act 1984 is amended as follows.

Commencement Information
I409 Sch. 16 para. 160 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

161 In section 30 (arrest elsewhere than at a police station), in subsection (4)(b), for "police authority" substitute " local policing body ".

Commencement Information
I410 Sch. 16 para. 161 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

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162 In section 36 (custody officers at police stations), in subsection (9), for "police authority" substitute " local policing body ".

Commencement Information
I411 Sch. 16 para. 162 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

163 (1) Section 67 (codes of practice: supplementary) is amended in accordance with this paragraph.

(2) In subsection (4), for paragraph (a) substitute—

"(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(aa) the Mayor's Office for Policing and Crime,

(ab) the Common Council of the City of London,".

(3) In subsection (9A)(a), for "police authority employees" substitute " civilian staff ".

Commencement Information
I412 Sch. 16 para. 163 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 47)

Road Traffic Regulation Act 1984

164 The Road Traffic Regulation Act 1984 is amended as follows.

Commencement Information
I413 Sch. 16 para. 164 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

165 In section 26 (arrangements for patrolling school crossings), in subsection (5)—

(a) for "police authority" (in the first place) substitute " chief officer of police of the police force maintained ";

(b) for "police authority" (in the second place) substitute " chief officer ".

Commencement Information
I414 Sch. 16 para. 165 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

166 (1) Section 95 (appointment of traffic wardens) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) for "A police authority in England or Wales may" substitute " A chief officer of police in England and Wales (other than the Commissioner of Police for the City of London), and the Common Council of the City of London may, ";

(b) after "so appointed" insert " by the Common Council ";

(c) for "police authority" (in the last place) substitute " Common Council ".

(3) In subsection (4)—

(a) for "A police authority" substitute " A person ";

(b) after "subsection (1) above" insert " (the "employer") ";
(c) in paragraph (a), for "the police authority provide" substitute " the employer provides ";
(d) in paragraph (b), for "the police authority" substitute " the employer ".

(4) In subsection (6), for "police authority" substitute " person ".

Commencement Information
I415 Sch. 16 para. 166 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

167 (1) Section 97 (supplementary provisions as to traffic wardens) is amended in accordance with this paragraph.

(2) In subsection (1)—
(a) for "the police authority" (in the first place) substitute " their employer ";
(b) for "the police authority" (in the second place) substitute " that employer ".

(3) In subsection (3)—
(a) after "functions of" insert " the Common Council or ";
(b) after "maintained by" insert " the Common Council or ".

(4) In subsection (5)—
(a) after "Any power" insert " of a person ";
(b) for "police authority" substitute " person ".

Commencement Information
I416 Sch. 16 para. 167 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

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Housing Act 1985

168 In the Housing Act 1985, in section 4 (other descriptions of authority), in subsection (1)(e), for the words from "police authority" to "Police Act 1996" substitute " police and crime commissioner ".

Housing Associations Act 1985

169 In the Housing Associations Act 1985, in section 106 (minor definitions - general), in the definition of "local authority" in subsection (1), for the words from "and a police authority" to "Metropolitan Police Authority" substitute " , a police and crime commissioner and the Mayor's Office for Policing and Crime ".

Commencement Information
I417 Sch. 16 para. 169 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 48)

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Landlord and Tenant Act 1985

170 In the Landlord and Tenant Act 1985, in section 38 (minor definitions), in the definition of local authority, for the words from "a police authority" to "Metropolitan Police Authority" substitute " , a police and crime commissioner, the Mayor's Office for Policing and Crime ".

Commencement Information
I418 Sch. 16 para. 170 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 49)

Prosecution of Offences Act 1985

171 In the Prosecution of Offences Act 1985, in section 3 (functions of the director), in subsection (3), in the definition of "police force", for "police authority under the Police Act 1996" substitute " local policing body ".

Commencement Information
I419 Sch. 16 para. 171 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government Act 1986

172 The Local Government Act 1986 is amended as follows.

Commencement Information
I420 Sch. 16 para. 172 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

173 In section 6 (interpretation and application of Part 2), in subsection (2)(a), for the words from "a police authority" to "Metropolitan Police Authority" substitute—

"a police and crime commissioner,

the Mayor's Office for Policing and Crime".

Commencement Information
I421 Sch. 16 para. 173 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 50)

174 In section 9 (interpretation and application of Part 3), in subsection (1)(a), for the words from "a police authority" to "Metropolitan Police Authority" substitute—

"a police and crime commissioner,

the Mayor's Office for Policing and Crime".

Commencement Information
I422 Sch. 16 para. 174 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 51)

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

Channel Tunnel Act 1987

175 (1) In the Channel Tunnel Act 1987, section 14 (arrangements for the policing of the tunnel system) is amended as follows.

(2) In subsection (4)—

(a) for "Kent Police Authority" substitute " Police and Crime Commissioner for Kent ";

(b) for "that Authority" substitute " that Commissioner ".

(3) In subsection (5)—

(a) for "Kent Police Authority" substitute " Police and Crime Commissioner for Kent ";

(b) for "the Authority" (in the first place) substitute " the Commissioner ".

Landlord and Tenant Act 1987

176 In the Landlord and Tenant Act 1987, in section 58 (exempt landlords and resident landlords), in subsection (1)(a), for the words from "police authority" to "1996" substitute " a police and crime commissioner, the Mayor's Office for Policing and Crime ".

Commencement Information

I423 Sch. 16 para. 176 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 52)

Dartford-Thurrock Crossing Act 1988

177 In section 19 of the Dartford-Thurrock Crossing Act 1988, in section 19 (exemption from tolls), for paragraph (a)(i) substitute—

"(i) a local policing body;".

Commencement Information

I424 Sch. 16 para. 177 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

Housing Act 1988

178 In the Housing Act 1988, in Schedule 1 (tenancies which cannot be assured tenancies), in paragraph 12(2) of Part 1 (local authority tenancies etc), for sub-paragraph (g) substitute—

"(g) a police and crime commissioner.".

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Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Local Government Act 1988

179 In the Local Government Act 1988, in Schedule 2 (public supply or works contracts: the public authorities), omit the words from "A police authority" to "Metropolitan Police Authority".

Commencement Information
I425 Sch. 16 para. 179 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 53)

Local Government Finance Act 1988

180 The Local Government Finance Act 1988 is amended as follows.

Commencement Information
I426 Sch. 16 para. 180 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

181 In section 65A (Crown property), in subsection (4)(b), for the words from "police authority" to "1996" substitute " police and crime commissioner ".

182 In section 74 (levies)—
(a) in subsection (1)(c), omit ", combined police authority";
(b) in subsection (4)(bb), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information
I427 Sch. 16 para. 182 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

183 In section 84F (determination of grant)—
(a) for "police authorities" (in each place) substitute " police and crime commissioners ";
(b) omit subsection (7).

VALID FROM 22/11/2012

184 In section 84Q (application of this Chapter etc)—
(a) in subsection (2), for "police authorities" substitute " police and crime commissioners ";
(b) omit subsection (3).

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

185 In section 88B (special grants), in subsection (10), for the words from "police authority" to "1996" substitute " police and crime commissioner ".

186 In section 111 (interpretation)—

(a) in subsection (2), for paragraph (e) substitute—

"(e) a police and crime commissioner,

(ea) a chief officer of police (which, for this purpose, means a chief constable of a police force maintained under section 2 of the Police Act 1996 or the Commissioner of Police of the Metropolis),";

(b) in subsection (3), at the end insert " and the 2011 Act is the Police Reform and Social Responsibility Act 2011 ".

Commencement Information

I428 Sch. 16 para. 186 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 54)

VALID FROM 22/11/2012

187 In section 112 (financial administration as to certain authorities), omit subsection (2)(a).

188 (1) Section 114 (functions of responsible officer as respects reports) is amended in accordance with this paragraph.

(2) In subsection (1), after "1999 Act" insert " , or Schedule 1, 2 or 4 to the 2011 Act ".

(3) In subsection (2), for "a police force maintained by the authority" substitute " the relevant police force ".

(4) In subsection (3A), after "relevant authority" insert " (except where the relevant authority is a chief officer of police) ".

(5) For subsection (4)(b) substitute—

"(b) in the case of—

(i) a police and crime commissioner, the commissioner and each member of the police and crime panel for the commissioner's police area;

(ii) the Mayor's Office for Policing and Crime, that Office and each member of the police and crime panel of the London Assembly;

(iii) a chief officer of police, the chief officer and the elected local policing body; and

(iv) any other relevant authority, each person who is at that time a member of the authority; and".

(6) After subsection (8) insert—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

"(8A) In this section "relevant police force", in relation to the chief finance officer of a relevant authority, means—

(a) in the case where the relevant authority is a chief officer of police, the police force of which that person is chief officer;

(b) in any other case, the police force maintained by the relevant authority.".

Commencement Information

I429 Sch. 16 para. 188 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

189 (1) Section 115 (authority's duties as regards reports) is amended as follows.

(2) After subsection (1A) insert—

"(1B) In the case of a report made by the chief finance officer of an elected local policing body, that body must consider the report and decide whether the body agrees or disagrees with the views contained in the report and what action (if any) the body proposes to take in consequence of it.

(1C) In the case of a report made by the chief finance officer of a chief officer of police, the chief officer of police must consider the report and decide whether the chief officer of police agrees or disagrees with the views contained in the report and what action (if any) the chief officer of police proposes to take in consequence of it.

(1D) The consideration and decision-making must be concluded not later than the end of the period of 21 days beginning with the day on which copies of the report are sent.

(1E) As soon as practicable after the elected local policing body, or the chief officer of police, has concluded the consideration of the chief finance officer's report, that body or chief officer must prepare a report which specifies—

(a) what action (if any) that body or chief officer has taken in response to the report;

(b) what action (if any) that body or chief officer proposes to take in response to the report; and

(c) the reasons for taking the action specified in the report or, as the case may be, for taking no action.

(1F) As soon as practicable after the elected local policing body has prepared a report under subsection (1E), the elected local policing body must arrange for a copy of the report to be sent to—

(a) the chief finance officer;

(b) the person who at the time the report is made has the duty to audit the elected local policing body's accounts; and

(c) each member of the police and crime panel for the police area for which the elected local policing body is established.

(1G) As soon as practicable after the chief officer of police has prepared a report under subsection (1E), the chief officer of police must arrange for a copy of the report to be sent to—

(a) the chief finance officer;

(b) the person who at the time the report is made has the duty to audit the chief officer's accounts; and

(c) the elected local policing body which maintains the police force in which the chief officer serves.”.

(3) In subsection (2), at the beginning insert “ In the case of any authority other than an elected local policing body or a chief officer of police, ”.

(4) In subsection (9), after “subsection” insert “ (1B), (1C) or ”.

(5) In subsection (10), after “If subsection” insert “ (1B), (1C) ”.

(6) In subsection (11), for “at the meeting” substitute “ under subsection (1B), (1C) or (2) ”.

Commencement Information
I430 Sch. 16 para. 189 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

190 (1) Section 116 (information about meetings) is amended in accordance with this paragraph.

(2) In the title, for “**meetings**” substitute “ **consideration of reports etc** ”.

(3) After subsection (2A) insert—

“(2B) In the case of an elected local policing body, the chief finance officer of that body must notify the body's auditor of any decisions taken by the body in accordance with section 115.

(2C) In the case of a chief officer of police, the chief officer of police's chief finance officer must notify that chief officer of police's auditor of any decisions taken by the chief officer of police in accordance with section 115.”.

Commencement Information
I431 Sch. 16 para. 190 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

191 In section 117 (rates and precepts: abolition), in subsection (5), omit “, combined police authority”.

Road Traffic Act 1988

192 The Road Traffic Act 1988 is amended as follows.

Commencement Information
I432 Sch. 16 para. 192 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

193 In section 65A (motor cycles not to be sold without EC certificate of conformity), in subsection (5)(d), after "to a" insert " local policing body or ".

Commencement Information
I433 Sch. 16 para. 193 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

194 (1) Section 67 (testing of condition of vehicles on roads) is amended in accordance with this paragraph.

(2) In subsection (4)—
(a) in paragraph (e), omit "and";
(b) after paragraph (e) insert—
"(ea) a person appointed by a chief officer of police in England or Wales (other than the Commissioner of Police for the City of London) to act, under the directions of that chief officer, for the purposes of this section, and";
(c) in paragraph (f), after "police area" insert " in Scotland, or by the Common Council of the City of London, ".

(3) In subsection (5), after "(d)" insert " , (ea) ".

Commencement Information
I434 Sch. 16 para. 194 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

195 In section 78 (weighing of motor vehicles), in subsection (8)(b), after "by a" (in the second place), insert " local policing body or a ".

Commencement Information
I435 Sch. 16 para. 195 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

196 In section 124 (exemption of police instructors from prohibition imposed by section 123), in subsection (2), in paragraph (b) of the definition of "police instructor", for "a police authority" substitute " a chief officer of police in England or Wales (other than the Commissioner of Police for the City of London), the Common Council of the City of London in its capacity as police authority, or a police authority ".

Commencement Information
I436 Sch. 16 para. 196 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

197 (1) Section 144 (exceptions from requirement of third-party insurance or security) is amended in accordance with this paragraph.

(2) In subsection (2)(a), omit "(other than a police authority)".

(3) In subsection (2)(b)—
(a) after "owned by" insert " a local policing body or ";

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(b) after "constable," insert " by a member of a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011), by a member of the staff of the Mayor's Office for Policing and Crime (within the meaning of that Part of that Act), by a member of the civilian staff of a police force (within the meaning of that Part of that Act), by a member of the civilian staff of the metropolitan police force (within the meaning of that Part of that Act), by a person employed by the Common Council of the City of London in its capacity as a police authority, ".

Commencement Information
I437 Sch. 16 para. 197 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Road Traffic Offenders Act 1988

198 (1) In the Road Traffic Offenders Act 1988, section 79 (statements by constables) is amended as follows.

(2) In subsection (2), for "by the police authority" substitute " as a civilian police employee ".

(3) After subsection (5), insert—

"(5A) For the purposes of subsection (2), a person is employed as a civilian police employee for a police area if—

(a) in the case of a police area listed in Schedule 1 to the Police Act 1996, the person is a member of the civilian staff of the police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011) maintained for that area;

(b) in the case of the metropolitan police district, the person is a member of the civilian staff of the metropolitan police force (within the meaning of that Part of that Act);

(c) in the case of the City of London, the person is employed by the Common Council of the City of London in its capacity as police authority.".

Commencement Information
I438 Sch. 16 para. 198 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government and Housing Act 1989

199 The Local Government and Housing Act 1989 is amended as follows.

Commencement Information
I439 Sch. 16 para. 199 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

200 In section 1 (disqualification and political restriction of certain officers and staff), after subsection (8) insert—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

"(9) In this section a reference to a person holding a politically restricted post under a local authority includes a reference to every member of the staff of an elected local policing body, except for a deputy police and crime commissioner.".

Commencement Information
I440 Sch. 16 para. 200 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

201 (1) Section 4 (designation and reports of head of paid service) is amended in accordance with this paragraph.

(2) After subsection (1) insert—

"(1A) In the case of an elected local policing body, the body's chief executive is to be taken to have been designated as the head of the body's paid service (and, accordingly, subsection (1)(a) does not apply; but references to persons designated under this section include references to the body's chief executive).".

(3) In subsection (4), for "sent to" substitute "sent—

(a) in the case of an elected local policing body, to the body and to the police and crime panel for the body's police area; and

(b) in any other case, to".

(4) In subsection (5), after "relevant authority" insert " (other than an elected local policing body) ".

(5) After subsection (5) insert—

"(5A) It shall be the duty of an elected local policing body to consider any report under this section by the head of the body's paid service, and to do so no later than three months after the body is sent a copy of the report.".

(6) In subsection (6)(a), after "below" insert " and an elected local policing body ".

Commencement Information
I441 Sch. 16 para. 201 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

202 (1) Section 5 (designation and reports of monitoring officer) is amended in accordance with this paragraph.

(2) In subsection (1), in the words after paragraph (b), omit the words from "(or," to "authority" (in the last place).

(3) After subsection (1B) insert—

"(1C) In the case of an elected local policing body, the body's chief executive is to be taken to have been designated as the monitoring officer (and, accordingly, subsection (1)(a) does not apply; but references to persons designated under this section include references to the body's chief executive).".

(4) In subsection (3)(b), for "sent to" substitute "sent—

(a) in the case of an elected local policing body, to the body and to the police and crime panel for the body's police area; and

(b) in any other case, to".

(5) In subsection (5)(a), for "deputy at" substitute "deputy—

(i) in the case of an elected local policing body, no later than three months after the body is sent a copy of the report; and

(ii) in any other case, at".

(6) In subsection (8)—

(a) in the definition of "chief finance officer", after "1999" insert " , Schedule 1 to the Police Reform and Social Responsibility Act 2011 ";

(b) in paragraph (a) of the definition of "relevant authority", after "below" insert " and an elected local policing body ".

Commencement Information

I442 Sch. 16 para. 202 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 55)

203 In section 7 (all staff to be appointed on merit), in subsection (1)—

(a) in paragraph (a), omit "or";

(b) after paragraph (a) insert—

"(aa) an elected local policing body, or".

Commencement Information

I443 Sch. 16 para. 203 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

204 (1) Section 21 (interpretation of Part 1) is amended in accordance with this paragraph.

(2) In subsection (1), omit paragraph (g).

VALID FROM 22/11/2012

205 In section 67 (application of, and orders under, Part 5), in subsection (3), omit paragraph (i).

206 (1) Section 155 (emergency financial assistance to local authorities) is amended as follows.

(2) In subsection (1A), in paragraph (b) for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

(3) In subsection (4), for paragraph (ea) substitute—

"(ea) a police and crime commissioner;".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I444 Sch. 16 para. 206(1)(2) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Aviation and Maritime Security Act 1990

207 In the Aviation and Maritime Security Act 1990, in section 22(4)(b)(i) (power to require harbour authorities to promote searches in harbour areas), for "in England, Scotland or Wales by a police authority" substitute " in England or Wales by a local policing body, in Scotland by a police authority, or in England, Wales or Scotland by ".

Commencement Information
I445 Sch. 16 para. 207 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Town and Country Planning Act 1990

208 The Town and Country Planning Act 1990 is amended as follows.

Commencement Information
I446 Sch. 16 para. 208 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

209 In section 252 (procedure for making orders), in subsection (12), in the definition of "local authority", for the words from "police authority" to "Metropolitan Police Authority" substitute " police and crime commissioner, the Mayor's Office for Policing and Crime, ".

Commencement Information
I447 Sch. 16 para. 209 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 56)

210 In section 336 (interpretation), in subsection (1), in the definition of "local authority", in paragraph (a), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information
I448 Sch. 16 para. 210 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

War Crimes Act 1991

211 In the War Crimes Act 1991, in section 2 (expenses), in paragraph (a), for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Commencement Information

I449 Sch. 16 para. 211 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

Local Government Finance Act 1992

212 In the Local Government Finance Act 1992, in section 19 (exclusion of Crown exemption in certain cases), for subsection (3)(c) substitute—

"(c) a police and crime commissioner;".

VALID FROM 22/11/2012

Welsh Language Act 1993

213 In the Welsh Language Act 1993, in section 6 (meaning of "public body"), for paragraph (d) substitute—

"(d) a police and crime commissioner;".

VALID FROM 22/11/2012

Deregulation and Contracting Out Act 1994

214 The Deregulation and Contracting Out Act 1994 is amended as follows.

215 In section 79A (meaning of "local authority" in England), omit paragraph (o).

216 In section 79B (meaning of "local authority" in Wales), omit paragraph (g).

Value Added Tax Act 1994

217 In section 33 of the Value Added Tax Act 1994 (refunds of VAT in certain cases), in subsection (3)(f), at the beginning insert " a police and crime commissioner, the Mayor's Office for Policing and Crime and ".

Commencement Information

I450 Sch. 16 para. 217 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Criminal Appeal Act 1995

218 In the Criminal Appeal Act 1995, in section 22 (meaning of public body etc), in subsection (2)(a) and (b)(iii), for "police authority" substitute " local policing body ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I451 Sch. 16 para. 218 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

Employment Rights Act 1996

219 In the Employment Rights Act 1996, in section 50 (right to time off for public duties), omit subsection (2)(c).

VALID FROM 22/11/2012

Housing Grants, Construction and Regeneration Act 1996

220 In the Housing Grants, Construction and Regeneration Act 1996, in section 3 (ineligible applicants) for subsection (2)(g) substitute—

"(g) a police and crime commissioner;".

Police Act 1997

221 The Police Act 1997 is amended as follows.

Commencement Information
I452 Sch. 16 para. 221 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

222 In section 107 (supplementary provisions relating to Commissioners), in subsection (4)(a), after "any" insert " local policing body or ".

Commencement Information
I453 Sch. 16 para. 222 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

223 In section 119 (sources of information), in subsections (3) and (7), after "appropriate" insert " local policing body or ".

Commencement Information
I454 Sch. 16 para. 223 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

224 In section 126 (interpretation of Part 5), in the definition of "police authority" in subsection (1), for "Great Britain" substitute " Scotland ".

Commencement Information
I455 Sch. 16 para. 224 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Police (Health and Safety) Act 1997

225 In the Police (Health and Safety) Act 1997, in section 5 (payment of damages, compensation and fines out of certain funds), in subsection (3), in paragraph (a) of the definition of "the relevant authority", for "police authority" substitute " local policing body ".

Commencement Information
I456 Sch. 16 para. 225 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Audit Commission Act 1998

226 The Audit Commission Act 1998 is amended as follows.

Commencement Information
I457 Sch. 16 para. 226 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

227 (1) Section 32 (documents relating to police authorities etc) is amended in accordance with this paragraph.

(2) In subsection (1), for the words from "relates" to the end, substitute " relates to an elected local policing body or to a chief officer of police. "

(3) In subsection (2)—

(a) in paragraph (a)—

(i) for the words from "relates" to "1996" substitute " relates to one or more elected local policing bodies ";

(ii) for "an authority" substitute " a body ";

(b) after paragraph (a) insert—

"(aa) relates to one or more chief officers of police and has been sent (or a copy of which has been sent) by the Commission to such a chief officer.".

(4) For subsection (3) substitute—

"(3) In this section "chief officer of police" means—

(a) a chief constable for a police force maintained under section 2 of the Police Act 1996, and

(b) the Commissioner of Police of the Metropolis.".

Commencement Information
I458 Sch. 16 para. 227 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 57)

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

228 In section 32B (mandatory provision of data), omit subsection (5)(c).

VALID FROM 22/11/2012

229 In section 47A (reports relating to performance of English local authorities), in subsection (5), omit the words from “, other” to the end.

230 In Schedule 2 (accounts subject to audit), in paragraph 1, for sub-paragraph (k) substitute—

“(k) a police and crime commissioner;

(ka) a chief constable for a police force maintained under section 2 of the Police Act 1996;

(kb) the Commissioner of Police of the Metropolis;”.

Commencement Information

I459 Sch. 16 para. 230 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 58)

Crime and Disorder Act 1998

231 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I460 Sch. 16 para. 231 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

232 In section 1A (power of Secretary of State to add relevant bodies), in subsection (1), for “ police authority ” substitute “local policing body”.

Commencement Information

I461 Sch. 16 para. 232 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

233 In section 17 (duty to consider crime and disorder implications), in subsection (2), for “a police authority” substitute “ a local policing body ”.

Commencement Information

I462 Sch. 16 para. 233 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

234 (1) In section 18 (interpretation of Chapter 1 of Part 1), subsection (1) is amended as follows.

(2) After the definition of “local child curfew scheme” insert—

““local policing body” has the meaning given by section 101(1) of the Police Act 1996;”.

(3) Omit the definition of "police authority".

Commencement Information
I463 Sch. 16 para. 234(1)(2) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

235 In section 38 (local provision of youth justice services), in subsection (2)(a), for "police authority" substitute " local policing body ".

Commencement Information
I464 Sch. 16 para. 235 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

236 In section 41 (the Youth Justice Board), in subsection (10), for "police authority" substitute " local policing body ".

Commencement Information
I465 Sch. 16 para. 236 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

237 In section 42 (supplementary provisions), in subsection (1), omit the definition of "police authority".

Commencement Information
I466 Sch. 16 para. 237 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

238 In section 115 (disclosure of information), in subsection (2)(c), for "police authority" substitute " local policing body ".

Commencement Information
I467 Sch. 16 para. 238 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Police (Northern Ireland) Act 1998

239 In the Police (Northern Ireland) Act 1998, in Schedule 3 (the Police Ombudsman for Northern Ireland), in paragraph 8 (assistance by members of a police force in Great Britain), in sub-paragraph (2), after "to the" insert " local policing body ".

Commencement Information
I468 Sch. 16 para. 239 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Regional Development Agencies Act 1998

240 In the Regional Development Agencies Act 1998, in section 7A (the London Development Agency Strategy), in subsection (5)(b) for "Metropolitan Police Authority" substitute " Mayor's Office for Policing and Crime ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I469 Sch. 16 para. 240 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government Act 1999

241 The Local Government Act 1999 is amended as follows.

Commencement Information
I470 Sch. 16 para. 241 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

242 (1) Section 1 (best value authorities) is amended in accordance with this paragraph.

(2) In subsection (1), for paragraph (d) substitute—

"(d) the Common Council of the City of London in its capacity as a police authority;".

(3) Omit subsection (4).

Commencement Information
I471 Sch. 16 para. 242(1)(3) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 59)

VALID FROM 22/11/2012

243 In section 3A (involvement of local representatives), in subsection (3), for paragraph (a) substitute—

"(a) the Common Council of the City of London in its capacity as a police authority;".

VALID FROM 22/11/2012

244 In section 10 (inspections), omit subsection (5).

VALID FROM 22/11/2012

245 Omit section 10A (inspections: Auditor General for Wales).

VALID FROM 22/11/2012

246 In section 23 (accounts), in subsection (4), omit paragraph (za).

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

247 In section 29 (modifications for Wales), in subsection (1), omit the words from "except" to the end.

Criminal Justice and Court Services Act 2000

248 In the Criminal Justice and Court Services Act 2000, in section 71 (access to driver licensing records), in subsection (4), for paragraph (a) of the definition of "constables" substitute—

"(a) persons appointed by a chief constable under paragraph 4 of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff of police forces outside London),

(aa) persons appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4 to that Act (civilian staff of metropolitan police force),".

Commencement Information

I472 Sch. 16 para. 248 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 60)

Freedom of Information Act 2000

249 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 5, for paragraphs 57 and 58 substitute—

"57 A police and crime commissioner.

58 The Mayor's Office for Policing and Crime.".

Commencement Information

I473 Sch. 16 para. 249 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 61)

VALID FROM 22/11/2012

Learning and Skills Act 2000

250 The Learning and Skills Act 2000 is amended as follows.

251 In section 125 (consultation and co-ordination), for subsection (1)(c) substitute—

"(c) a police and crime commissioner,".

252 In section 129 (supplementary), in subsection (1), omit the definition of "police authority".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Local Government Act 2000

253 The Local Government Act 2000 is amended as follows.

Commencement Information
I474 Sch. 16 para. 253 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

254 In section 21C (reports and recommendations of overview and scrutiny committees: duties of certain partner authorities), in subsection (8), in the definition of "relevant partner authority", for paragraph (a) substitute—

"(a) a local policing body, or".

Commencement Information
I475 Sch. 16 para. 254 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

255 In section 21E (overview and scrutiny committees of certain district councils: functions with respect to partner authorities), in subsection (4), for paragraph (a)(ii)(a) substitute—

"(a) a local policing body, or".

Commencement Information
I476 Sch. 16 para. 255 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

256 In section 22A (overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities), in subsection (6), in the definition of "associated authority", for paragraph (b)(i) substitute—

"(i) a local policing body, or".

Commencement Information
I477 Sch. 16 para. 256 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

257 (1) Section 49 (principles governing conduct of members of relevant authorities) is amended in accordance with this paragraph.

(2) In subsection (1), omit "and police authorities in Wales".

(3) In subsection (2), omit "(other than police authorities)".

(4) Omit subsection (4).

(5) In subsection (6), omit paragraphs (h) and (m).

Commencement Information
I478 Sch. 16 para. 257(1)(5) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 62)

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

258 (1) Section 50 (model codes of conduct) is amended in accordance with this paragraph.

(2) In subsection (1), omit "and police authorities in Wales".

(3) In subsection (2), omit "other than police authorities".

VALID FROM 22/11/2012

259 (1) Section 51 (duty of relevant authorities to adopt codes of conduct) is amended in accordance with this paragraph.

(2) In subsection (4A), omit "or police authority in Wales".

(3) In subsection (4C), omit "other than a police authority".

(4) In subsection (6)(c)(i), omit "or a police authority in Wales".

VALID FROM 22/11/2012

260 (1) Section 53 (standards committees) is amended in accordance with this paragraph.

(2) In subsections (3) and (4), omit "or a police authority in Wales".

(3) In subsections (6)(a) and (7)(a), omit "and police authorities in Wales".

(4) In subsection (8), omit "or a police authority in Wales".

(5) In subsection (9), omit "and a police authority in Wales".

(6) In subsection (10), omit "or a police authority in Wales".

(7) In subsection (11)—

(a) in paragraph (a), omit "other than police authorities";

(b) in paragraph (k), omit "(other than police authorities)".

VALID FROM 22/11/2012

261 (1) Section 54 (functions of standards committees) is amended in accordance with this paragraph.

(2) In subsection (4), omit "and police authorities in Wales".

(3) In subsection (5), omit "(other than police authorities)".

(4) In subsection (6), omit "and police authorities in Wales".

(5) In subsection (7), omit "(other than police authorities)".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

262 (1) Section 54A (sub-committees of standards committees) is amended in accordance with this paragraph.

(2) In subsection (4), omit "or of a police authority in Wales".

(3) In subsection (5), omit "other than a police authority".

VALID FROM 22/11/2012

263 In section 57 (Standards Board for England), in subsection (5)(b) and (c), omit "and police authorities in Wales".

VALID FROM 22/11/2012

264 In section 68 (Public Services Ombudsman for Wales), in subsection (2)(a) and (b), omit "(other than police authorities)".

VALID FROM 22/11/2012

265 In section 73 (matters referred to monitoring officers), omit subsection (6).

VALID FROM 22/11/2012

266 (1) Section 81 (disclosure and registration of members' interests etc) is amended in accordance with this paragraph.

(2) In subsection (7)(b), omit "or a police authority in Wales".

(3) In subsection (8), omit "(other than police authorities)".

VALID FROM 22/11/2012

267 (1) Section 82 (code of conduct for local government employees) is amended in accordance with this paragraph.

(2) In subsection (1), omit "and police authorities in Wales".

(3) In subsection (2), omit "(other than police authorities)".

VALID FROM 22/11/2012

268 In section 83 (interpretation of Part 3), in subsection (1), omit the definition of "police authority".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

269 (1) Section 101 (indemnification of members and officers of relevant authorities) is amended in accordance with this paragraph.

(2) In subsection (1), omit "and police authorities in Wales".

(3) In subsection (2), omit "(other than police authorities)".

(4) In subsection (5), for " "police authority" and "relevant authority" have" substitute " "relevant authority" has".

Criminal Justice and Police Act 2001

270 The Criminal Justice and Police Act 2001 is amended as follows.

Commencement Information
I479 Sch. 16 para. 270 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

271 In section 97 (regulations for police forces)—

(a) in subsection (3)(a), for "police authorities" substitute " local policing bodies ";

(b) for subsection (4)(c), substitute—

"(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ca) the Mayor's Office for Policing and Crime;

(cb) the Common Council of the City of London; and".

Commencement Information
I480 Sch. 16 para. 271 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 63)

272 In section 98 (directions after inspection identifies training needs), in subsections (1) and (2) for "police authority" substitute " local policing body ".

Commencement Information
I481 Sch. 16 para. 272 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Private Security Industry Act 2001

273 (1) In the Private Security Industry Act 2001, Schedule 2 (activities liable to control under the Act) is amended as follows.

(2) In paragraph 2 (manned guarding), in sub-paragraph (7)—

(a) in sub-paragraph (f)—

(i) for "person employed by a police authority" substitute " relevant employee ";

(ii) for "police authority employees" substitute " civilian staff ";

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(b) in sub-paragraph (i), for "police authority employees" substitute " civilian staff ".

(3) In paragraph 3 (immobilisation of vehicles), in sub-paragraph (3A)(c), for "police authority employees" substitute " civilian staff ".

(4) In paragraph 3A (restriction and removal of vehicles), in sub-paragraph (6)—

(a) in sub-paragraph (c), for "police authority" substitute " local policing body ";

(b) in sub-paragraph (e), for "police authority employees" substitute " civilian staff ".

Commencement Information

I482 Sch. 16 para. 273 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Vehicles (Crime) Act 2001

274 The Vehicles (Crime) Act 2001 is amended as follows.

Commencement Information

I483 Sch. 16 para. 274 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

275 In section 18 (register of registration plate suppliers), in subsection (9), for paragraph (a) substitute—

"(a) members of the civilian staff of a police force, including the metropolitan police force, (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),

(aa) persons employed by the Common Council of the City of London who are under the direction and control of the Commissioner of Police for the City of London,".

Commencement Information

I484 Sch. 16 para. 275 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

276 In section 38 (unified power for Secretary of State to fund speed cameras etc), in subsection (5)(b), for the words from "any police authority" to "Metropolitan Police Authority" substitute " any police and crime commissioner, the Mayor's Office for Policing and Crime ".

Commencement Information

I485 Sch. 16 para. 276 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 64)

Police Reform Act 2002

277 The Police Reform Act 2002 is amended as follows.

Commencement Information
I486 Sch. 16 para. 277 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

278 (1) Section 10 (general functions of the Commission) is amended in accordance with this paragraph.

(2) In subsection (1), in paragraphs (a) and (f), for "police authorities" substitute " local policing bodies ".

(3) In subsection (3)(d), for "police authority" substitute " local policing body ".

Commencement Information
I487 Sch. 16 para. 278 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

279 In section 11 (reports to the Secretary of State), in subsections (6)(a), (7)(a), (9) and (10)(b), for "police authority" substitute " local policing body ".

Commencement Information
I488 Sch. 16 para. 279 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

280 In section 12 (complaints, matters and persons to which Part 2 applies), in subsection (7)—

(a) after paragraph (a) insert—

"(aa) he is a civilian employee of a police force;";

(b) in paragraph (b), for "a police authority" substitute " the Common Council of the City of London ".

Commencement Information
I489 Sch. 16 para. 280 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

281 (1) Section 15 (general duties of police authorities, chief constables and inspectors) is amended in accordance with this paragraph.

(2) In the title, for "**police authorities**" substitute " **local policing bodies** ".

(3) In subsections (1)(a) and (3)(a), for "police authority" substitute " local policing body ".

(4) In subsection (3)(c), for "police authority" substitute " local policing body ".

(5) In subsections (4)(a), (5)(a), (6) and (8A), for "police authority" substitute " local policing body ".

Commencement Information
I490 Sch. 16 para. 281 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

282 (1) Section 16 (payment for assistance with investigations) is amended in accordance with this paragraph.

(2) In subsection (3)—

(a) for "police authority" (in each place) substitute " local policing body ";

(b) in paragraph (b)(i), for "police authorities" substitute " local policing bodies ".

(3) In subsection (4)—

(a) for "police authority" substitute " local policing body ";

(b) in paragraph (a), for "that authority" substitute " that body ";

(c) in paragraph (b)(i), for "police authorities" substitute " local policing bodies ".

(4) In subsection (5), for "police authority" substitute " local policing body ".

(5) In subsection (6), for "police authorities" (in each place) substitute " local policing bodies ".

Commencement Information

I491 Sch. 16 para. 282 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

283 (1) Section 16A (police investigations: National Police Improvement Agency involvement) is amended in accordance with this paragraph.

(2) In subsection (1), for "police authority" substitute " local policing body ".

(3) In subsection (7)—

(a) for "police authority" substitute " local policing body ";

(b) in paragraph (b)(i), for "police authorities" substitute " local policing bodies ".

Commencement Information

I492 Sch. 16 para. 283 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

284 In section 17 (provision of information to the Commission)—

(a) in subsection (1)(a), for "police authority" substitute " local policing body ";

(b) in subsection (2)—

(i) for "police authority" substitute " local policing body ";

(ii) in paragraph (a), for "that authority" substitute " that body ";

(c) in subsection (4)—

(i) for "police authority" substitute " local policing body ";

(ii) in paragraphs (a) and (b), for "that authority" substitute " that body ";

(d) in subsection (6), for "police authority" substitute " local policing body ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I493 Sch. 16 para. 284 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

285 In section 18 (inspections of police premises on behalf of Commission)—

(a) in subsection (1)—

(i) for "the authority" substitute " the body ";

(ii) in paragraph (a), for "police authority" substitute " local policing body ";

(b) in subsection (3), for "the authority" substitute " the body ";

(c) in subsection (5)(b), for "police authorities" substitute " local policing bodies ".

Commencement Information
I494 Sch. 16 para. 285 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

286 In section 20 (duty to keep the complainant informed), in subsection (8), for "police authority" substitute " local policing body ".

Commencement Information
I495 Sch. 16 para. 286 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

287 (1) Section 22 (power of Commission to issue guidance) is amended as follows.

(2) In subsection (1)(a), for "police authorities" substitute " local policing bodies ".

(3) In subsection (3), for paragraph (a) substitute—

"(a) such persons as appear to the Commission to represent the views of police and crime commissioners;

(aa) the Mayor's Office for Policing and Crime;

(ab) the Common Council;".

Commencement Information
I496 Sch. 16 para. 287 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 65)

288 In section 23 (regulations), in subsection (2)(n), for "police authorities" substitute " local policing bodies ".

Commencement Information
I497 Sch. 16 para. 288 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

289 In section 24 (consultation on regulations), for paragraph (b) substitute—

"(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ba) the Mayor's Office for Policing and Crime;

(bb) the Common Council;".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I498 Sch. 16 para. 289 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 66)

290 (1) Section 26 (forces maintained otherwise than by police authorities) is amended in accordance with this paragraph.

(2) In the title, for "**police authorities**" substitute " **local policing bodies** ".

(3) In subsections (1)(b) and (2), for "police authority" substitute " local policing body ".

Commencement Information
I499 Sch. 16 para. 290 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

291 In section 29 (interpretation of Part 2), in subsection (1)—

(a) in the definition of "appropriate authority"—

(i) in paragraph (a)(i), for "a senior officer, the police authority" substitute " the chief officer or an acting chief officer, the local policing body ";

(ii) in paragraph (a)(ii), for "a senior officer" substitute " the chief officer or an acting chief officer ";

(iii) in paragraph (b)(i), for "a senior officer, the police authority" substitute " the chief officer or an acting chief officer, the local policing body ";

(iv) in paragraph (b)(ii), for "a senior officer" substitute " the chief officer or an acting chief officer ";

(v) after paragraph (b)(ii) insert— " and, for the purposes of this definition, "acting chief officer" means a person exercising or performing functions of a chief constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011; a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of that Act; or a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839; ";

(b) in the definition of "relevant force", for paragraph (a) substitute—

"(a) if that authority is a local policing body, the police force which the body is responsible for maintaining; and";

(c) omit the definition of "senior officer".

Commencement Information
I500 Sch. 16 para. 291(a)(b) in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with art. 8(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

292 (1) Section 38 (police powers for police authority employees) is amended in accordance with this paragraph.

(2) In the title, for "**police authority employees**" substitute " **civilian staff** ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(3) In subsection (1), for the words from "designate" to "an officer" substitute " designate a relevant employee as an officer ".

(4) In subsection (7), for "An employee of a police authority" substitute " A relevant employee ".

(5) After subsection (9) insert—

"(11) In this section "relevant employee" means—

(a) in the case of—

(i) a police force maintained for a police area in accordance with section 2 of the Police Act 1996, or

(ii) the police force maintained for the metropolitan police district in accordance with section 5A of that Act,

a member of the civilian staff of that police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);

(b) in the case of any other police force, a person who—

(i) is employed by the police authority maintaining that force, and

(ii) is under the direction and control of the chief officer making a designation under subsection (1).".

Commencement Information

I501 Sch. 16 para. 292 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

293 In section 38A (standard powers and duties of community support officers), in subsection (3), for paragraph (a) substitute—

"(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ab) the Mayor's Office for Policing and Crime;

(ac) the Common Council of the City of London; and".

Commencement Information

I502 Sch. 16 para. 293 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 67)

294 (1) Section 39 (police powers for contracted out staff) is amended in accordance with this paragraph.

(2) In subsections (1) and (2), for "police authority" substitute " local policing body ".

(3) In subsection (11), for paragraph (a) substitute—

"(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(aa) the Mayor's Office for Policing and Crime;

(ab) the Common Council of the City of London; and".

(4) In subsection (13)(b), for "police authority" substitute " local policing body ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I503 Sch. 16 para. 294 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 68)

295 (1) Section 40 (community safety accreditation schemes) is amended in accordance with this paragraph.

(2) In subsection (4)(a), for "police authority" substitute " local policing body ".

(3) In subsection (5), for paragraph (a) substitute—

"(a) the Mayor's Office for Policing and Crime;".

(4) In subsection (7)—

(a) for "police plan under section 8 of the 1996 Act" substitute " police and crime plan under section 5 or 6 of the Police Reform and Social Responsibility Act 2011 ";

(b) omit the words from "and every draft" to "this section," (in the second place);

(c) for "police authority" (in each place) substitute " local policing body ".

Commencement Information
I504 Sch. 16 para. 295 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

296 In section 42 (supplementary provisions relating to designations and accreditations), in subsection (7)—

(a) for "police authority" (in each place) substitute " chief officer of police or local policing body ";

(b) for "that authority" substitute " that chief officer or body ".

Commencement Information
I505 Sch. 16 para. 296 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

297 In section 43 (railway safety accreditation scheme), in subsection (9), for paragraph (c) substitute—

"(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ca) the Mayor's Office for Policing and Crime;

(cb) the Common Council of the City of London; and".

Commencement Information
I506 Sch. 16 para. 297 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 69)

298 In section 45 (code of practice relating to chief officers' powers under Chapter 1), in subsection (3), for paragraph (c) substitute—

"(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ca) the Mayor's Office for Policing and Crime;

(cb) the Common Council of the City of London; and".

Commencement Information

I507 Sch. 16 para. 298 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 70)

299 (1) Section 51 (independent custody visitors for places of detention) is amended in accordance with this paragraph.

(2) In subsection (1), for "police authority" substitute " local policing body ".

(3) In subsection (1A) (inserted by section 117 of the Coroners and Justice Act 2009), for "police authority" substitute " local policing body ".

(4) In subsection (2)—

(a) in paragraph (a), for "police authority" substitute " local policing body ";

(b) in paragraph (b), for "that authority" substitute " that body ".

(5) In subsection (3), for "police authority" substitute " local policing body ".

(6) In subsection (6), for "police authorities" substitute " local policing bodies ".

(7) In subsection (7), for paragraph (a) substitute—

"(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(aa) the Mayor's Office for Policing and Crime;

(ab) the Common Council of the City of London;".

(8) In subsection (9), for "Police authorities" substitute " local policing bodies ".

(9) In subsection (10)—

(a) before its substitution by virtue of section 117 of the Coroners and Justice Act 2009, for "police authority" substitute " local policing body ";

(b) as substituted by virtue of section 117 of the Coroners and Justice Act 2009, for "police authority" substitute " local policing body ".

Commencement Information

I508 Sch. 16 para. 299 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 71)

300 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 1 (handling of complaints) is amended in accordance with this paragraph.

(2) In paragraph 1—

(a) in sub-paragraphs (1), (2)(b) and (5), for "police authority" substitute " local policing body ";

(b) in sub-paragraph (6), for "police authority" substitute " local policing body ".

(3) In paragraph 2—

(a) in sub-paragraphs (2) and (5), for "police authority" substitute " local policing body ";

(b) in sub-paragraph (6)(a)—

(i) for "police authority" substitute " local policing body ";

(ii) for "the authority" substitute " the body ";

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(c) in sub-paragraph (6)(c), for "police authority" substitute " local policing body ";

(d) in sub-paragraph (6), in the words after sub-paragraph (c), for "the authority" substitute " the body ".

(4) In paragraph 3—

(a) in sub-paragraph (1), for "police authority" substitute " local policing body ";

(b) in sub-paragraph (2)—

(i) for "police authority" substitute " local policing body ";

(ii) for "the authority" substitute " the body ";

(c) in sub-paragraphs (3), (4) (in each place), and (6) (in each place), for "police authority" substitute " local policing body ".

(5) In paragraph 4—

(a) in sub-paragraph (3)—

(i) for "police authority" (in each place) substitute " local policing body ";

(ii) in sub-paragraph (a), for "that authority" substitute " that body ";

(b) in sub-paragraph (5)(b), for "police authority" substitute " local policing body ";

(c) in sub-paragraph (6)—

(i) for "police authority" substitute " local policing body ";

(ii) in sub-paragraph (b), for "that authority" substitute " that body ".

(6) In paragraph 5(1), for "police authority" substitute " local policing body ".

Commencement Information

I509 Sch. 16 para. 300 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

301 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 2 (handling of conduct matters) is amended in accordance with this paragraph.

(2) In paragraph 10—

(a) in sub-paragraph (1)—

(i) in sub-paragraph (a) for "police authority" (in each place) substitute " local policing body ";

(ii) in sub-paragraphs (a) and (b), for "that authority" substitute " that body ";

(b) in sub-paragraph (2), for "the authority" substitute " the body ";

(c) in sub-paragraph (3), for "police authority" substitute " local policing body ".

(3) In paragraph 11(1)(a), for "police authority" substitute " local policing body ".

(4) In paragraph 12—

(a) in sub-paragraph (1)—

(i) for "police authority" substitute " local policing body ";

(ii) for "that authority" substitute " that body ";

(b) in sub-paragraph (5), for "police authority" substitute " local policing body ";

(c) in sub-paragraph (6), for "police authority" substitute " local policing body ".

(5) In paragraph 13—

(a) in sub-paragraph (1)—

(i) for "police authority" substitute " local policing body ";

(ii) for "the authority" substitute " the body ";

(b) in sub-paragraph (3)—

(i) for "police authority" substitute " local policing body ";

(ii) in sub-paragraph (b), for "police authority" substitute " local policing body ";

(c) in sub-paragraph (5)(b), for "police authority" substitute " local policing body ";

(d) in sub-paragraph (6)—

(i) for "police authority" substitute " local policing body ";

(ii) for "that authority" (in each place) substitute " that body ".

(6) In paragraph 14(1), for "police authority" substitute " local policing body ".

Commencement Information

I510 Sch. 16 para. 301 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

302 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 2A (handling of death and serious injury matters) is amended in accordance with this paragraph.

(2) In paragraph 14A(1), for "police authority" substitute " local policing body ".

(3) In paragraph 14B—

(a) in sub-paragraph (1)—

(i) for "police authority" substitute " local policing body ";

(ii) for "that authority" (in each place) substitute " that body ";

(b) in sub-paragraph (5), for "police authority" substitute " local policing body ";

(c) in sub-paragraph (6), for "police authority" substitute " local policing body ".

(4) In paragraph 14D(1), for "police authority" substitute " local policing body ".

Commencement Information

I511 Sch. 16 para. 302 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

303 In Schedule 4 (powers exercisable by police civilians), in paragraph 7 (confiscation of tobacco etc), for "police authority" substitute " local policing body ".

Commencement Information

I512 Sch. 16 para. 303 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Proceeds of Crime Act 2002

304 The Proceeds of Crime Act 2002 is amended as follows.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I513 Sch. 16 para. 304 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

305 In section 55 (sums received by designated officer), in subsection (8)—

(a) after paragraph (a) insert—

"(aa) a member of a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),

(ab) a member of the staff of the Mayor's Office for Policing and Crime (within the meaning of that Part of that Act),

(ac) a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act),";

(b) in paragraph (b), omit the words from "a person" to "or".

Commencement Information
I514 Sch. 16 para. 305 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

306 In section 302 (compensation), in subsection (7A)(a), for sub-paragraph (i) substitute—

"(i) who was a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act), or".

Commencement Information
I515 Sch. 16 para. 306 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Anti-social Behaviour Act 2003

307 The Anti-social Behaviour Act 2003 is amended as follows.

Commencement Information
I516 Sch. 16 para. 307 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

308 In section 8 (reimbursement of costs)—

(a) in subsection (1), for "A police authority" substitute " A local policing body ";

(b) in subsection (4)—

(i) in paragraph (a), for "the police authority" substitute " the local policing body ";

(ii) in paragraph (b), for "a police authority" substitute " a local policing body ".

Commencement Information
I517 Sch. 16 para. 308 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

309 In section 11H (Part 1A closure order: reimbursement of costs)—

(a) in subsection (1), for "A police authority" substitute " A local policing body ";

(b) in subsection (4)—

(i) in paragraph (a), for "the police authority" substitute " the local policing body ";

(ii) in paragraph (b), for "a police authority" substitute " a local policing body ".

Commencement Information
I518 Sch. 16 para. 309 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Courts Act 2003

310 The Courts Act 2003 is amended as follows.

Commencement Information
I519 Sch. 16 para. 310 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

311 In section 8 (local justice areas), in subsection (7), for paragraph (c) substitute—

"(c) a police and crime commissioner or the Mayor's Office for Policing and Crime.".

Commencement Information
I520 Sch. 16 para. 311 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 72)

312 In section 41 (disqualification of lay justices who are members of local authorities), in subsection (6)(c), for the words from "a police authority" to "Metropolitan Police Authority" substitute " a police and crime commissioner, the Mayor's Office for Policing and Crime ".

Commencement Information
I521 Sch. 16 para. 312 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 73)

Criminal Justice Act 2003

313 In the Criminal Justice Act 2003, in section 221 (provision of attendance centres), in subsection (3)—

(a) for "police authority" substitute " local policing body ";

(b) for "that authority" substitute " that authority or body ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I522 Sch. 16 para. 313 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Finance Act 2003

314 In the Finance Act 2003, in Schedule 9 (stamp duty land tax: right to buy, shared ownership leases etc), for "police authority" (in the first place) substitute " local policing body ".

Commencement Information
I523 Sch. 16 para. 314 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Licensing Act 2003

315 In the Licensing Act 2003, in section 170 (exemption of police from liability for damages), in subsection (4A)—

(a) after "such a person" insert " exercising such powers by virtue of such a designation by the Commissioner of Police of the City of London ";

(b) for "a police authority" substitute " the Common Council of the City of London ".

Commencement Information
I524 Sch. 16 para. 315 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 74)

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Local Government Act 2003

316 The Local Government Act 2003 is amended as follows.

317 In section 23 (meaning of "local authority"), in subsection (1), for paragraph (n) substitute—

"(n) a police and crime commissioner;".

318 In section 25 (budget calculations: report on robustness of estimates etc), in subsection (3)—

(a) in paragraph (d), omit "or";

(b) at the end of paragraph (e), insert "or

(f) Schedule 1, 2 or 4 to the Police Reform and Social Responsibility Act 2011".

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319 In section 33 (interpretation of Chapter 1), in subsection (1), for paragraph (m) substitute—

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"(m) a police and crime commissioner.".

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320 In section 95 (power to trade in function-related activities through a company), in subsection (7)—

(a) omit the definition of "police authority";

(b) in the definition of "relevant authority", for "a police authority or" substitute " the Common Council of the City of London in its capacity as a police authority and ".

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321 In section 101 (staff transfer matters: general), omit subsection (7).

Railways and Transport Safety Act 2003

322 The Railways and Transport Safety Act 2003 is amended as follows.

Commencement Information
I525 Sch. 16 para. 322 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

323 In section 25 (special constables), in subsection (5)(d), for "police authority" substitute " local policing body ".

Commencement Information
I526 Sch. 16 para. 323 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

324 In section 28 (exercise of powers by civilians), in subsection (1)(a), for "police authority employees" substitute " civilian staff ".

Commencement Information
I527 Sch. 16 para. 324 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

325 In section 45 (regulation of procedure and practice), omit subsection (2)(a).

Commencement Information
I528 Sch. 16 para. 325 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

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326 In section 50 (policing objectives: Authority), in subsection (3)—

(a) in paragraph (a), at the end insert " and ";

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(b) omit paragraph (c) (and the word "and" at the end of paragraph (b)).

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327 In section 55 (three-year strategy plan)—
(a) in paragraph (b), at the end insert " and ";
(b) omit paragraph (d) (and the word "and" at the end of paragraph (c)).

328 In Schedule 4 (British Transport Police Authority), in paragraph 7 (disqualification), for sub-paragraph (2)(c) substitute—
"(c) a member of a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),
(ca) a member of the staff of the Mayor's Office for Policing and Crime (within the meaning of that Part of that Act),
(cb) a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act), or".

Commencement Information
I529 Sch. 16 para. 328 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 75)

Sexual Offences Act 2003

329 In the Sexual Offences Act 2003, in section 136M (reimbursement of costs), for "police authority" (in each place) substitute " local policing body ".

Commencement Information
I530 Sch. 16 para. 329 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Children Act 2004

330 The Children Act 2004 is amended as follows.

Commencement Information
I531 Sch. 16 para. 330 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

331 In section 10 (co-operation to improve well-being: England), in subsection (4)(b), for "the police authority" substitute " the local policing body ".

Commencement Information
I532 Sch. 16 para. 331 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

332 In section 11 (arrangements to safeguard and promote welfare: England), in subsection (1)(h), for "police authority" substitute " local policing body ".

Commencement Information
I533 Sch. 16 para. 332 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

333 In section 25 (co-operation to improve well-being: Wales), in subsection (4)(a), for "the police authority" substitute " the local policing body ".

Commencement Information
I534 Sch. 16 para. 333 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

334 In section 28 (arrangements to safeguard and promote welfare: Wales), in subsection (1)(d), for "police authority" substitute " local policing body ".

Commencement Information
I535 Sch. 16 para. 334 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Housing Act 2004

335 In the Housing Act 2004, in Schedule 14 (buildings which are not HMOs), in paragraph 2(1) (buildings controlled or managed by public sector bodies etc), for sub-paragraphs (c) and (d) substitute—

"(c) a police and crime commissioner,

(d) the Mayor's Office for Policing and Crime,".

Commencement Information
I536 Sch. 16 para. 335 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 76)

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Public Audit (Wales) Act 2004

336 The Public Audit (Wales) Act 2004 is amended as follows.

337 In section 12 (local government bodies in Wales), in subsection (1)—

(a) in paragraph (f), for "police authority" substitute " police and crime commissioner ";

(b) after paragraph (f), insert—

"(fa) a chief constable of a police force maintained under section 2 of the Police Act 1996 for a police area in Wales;".

338 (1) Section 40 (documents relating to police authorities) is amended in accordance with this paragraph.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(2) In the title, for "**police authorities**" substitute " **police and crime commissioners and chief constables** ".

(3) In subsection (1), for "police authority for" substitute " police and crime commissioner for, or the chief constable of a police force maintained under section 2 of the Police Act 1996 for, ".

(4) In subsection (2)—

(a) for "police authorities" substitute " police and crime commissioners ";

(b) for "police authority" substitute " police and crime commissioner ".

(5) After subsection (2) insert—

"(3) If the Auditor General for Wales has sent a document (or a copy of a document) relating to one or more chief constables of police forces maintained under section 2 of the Police Act 1996 for a police area in Wales, the Auditor General may send a copy of the document to the persons to whom a copy of a document may be sent under subsection (2).".

339 In section 46 (performance standards: relevant bodies), in subsection (1)(d), for "police authority" substitute " police and crime commissioner ".

Drugs Act 2005

340 In the Drugs Act 2005, in section 19 (interpretation), for subsection (7) substitute—

"(7) Police support officer" means—

(a) persons appointed by a chief constable under paragraph 4 of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff of police forces outside London), and

(b) persons appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4 to that Act (civilian staff of metropolitan police force).".

Commencement Information

I537 Sch. 16 para. 340 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 77)

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Public Services Ombudsman (Wales) Act 2005

341 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

342 In Schedule 2 (excluded matters), in paragraph 1, for "police authority" substitute " police and crime commissioner ".

343 In Schedule 3 (listed authorities), for "police authority" substitute " police and crime commissioner ".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Serious Organised Crime and Police Act 2005

344 The Serious Organised Crime and Police Act 2005 is amended as follows.

Commencement Information
I538 Sch. 16 para. 344 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

345 (1) Section 6 (annual plans) is amended in accordance with this paragraph.

(2) In subsection (7)(d)—

(a) at the beginning insert " each local policing body for an area in England and Wales, ";

(b) for "Great Britain" substitute " Scotland ".

(3) In subsection (8), for "Great Britain" substitute " Scotland ".

Commencement Information
I539 Sch. 16 para. 345 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

346 (1) Section 7 (annual reports) is amended in accordance with this paragraph.

(2) In subsection (4)(d)—

(a) at the beginning insert " each local policing body for an area in England and Wales, ";

(b) for "Great Britain" substitute " Scotland ".

(3) In subsection (5), for "Great Britain" substitute " Scotland ".

Commencement Information
I540 Sch. 16 para. 346 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

347 (1) Section 23 (mutual assistance between SOCA and law enforcement agencies: voluntary arrangements) is amended in accordance with this paragraph.

(2) In subsections (8) and (9), for "relevant police authority" substitute " relevant policing body ".

(3) In subsection (11), in the definition of "relevant police authority"—

(a) for "relevant police authority" substitute " relevant policing body ";

(b) before paragraph (a) insert—

"(za) in relation to a police force in England or Wales, the local policing body maintaining that force,";

(c) in paragraph (a), for "Great Britain" substitute " Scotland ".

Commencement Information
I541 Sch. 16 para. 347 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

348 (1) Section 26 (use by SOCA of police premises etc) is amended in accordance with this paragraph.

(2) In subsection (1)(a), for "relevant police authority" substitute " relevant policing body ".

(3) In subsection (2)—

(a) in paragraph (a), for "relevant police authority" substitute " relevant policing body ";

(b) for "that authority" substitute " that body ".

(4) In subsection (3)—

(a) for "relevant police authority" substitute " relevant policing body ";

(b) in paragraphs (a) and (b), for "that body" substitute " SOCA or that body ".

(5) In subsection (6)—

(a) for "relevant police authority" substitute " relevant policing body ";

(b) for "that authority" substitute " that body ".

(6) In subsection (7)—

(a) for "relevant police authority" substitute " relevant policing body ";

(b) for "the police authority" substitute " the local policing body ".

Commencement Information

I542 Sch. 16 para. 348 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

349 (1) Section 155 (payments by Secretary of State to police authorities in relation to the prevention, detection and enforcement of certain traffic offences) is amended in accordance with this paragraph.

(2) In the title, for "**police authority**" substitute " **local policing body** ".

(3) In subsection (1), for "police authority" substitute " local policing body ".

Commencement Information

I543 Sch. 16 para. 349 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

350 In Schedule 5 (persons specified for the purposes of section 82), in paragraph 14(a), for "police authority employees" substitute " civilian staff ".

Commencement Information

I544 Sch. 16 para. 350 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

Government of Wales Act 2006

351 The Government of Wales Act 2006 is amended as follows.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

352 In section 72 (partnership council), in subsection (5)(c), for "police authorities" substitute " police and crime commissioners ".

353 In Part 1 of Schedule 7 (Assembly Acts: subjects), in paragraph 12 for "police authorities" substitute " police and crime commissioners ".

London Olympic Games and Paralympic Games Act 2006

354 The London Olympic Games and Paralympic Games Act 2006 is amended as follows.

Commencement Information
I545 Sch. 16 para. 354 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

355 In section 21 (offence), in subsection (4), after "pay to" insert " a local policing body, ".

Commencement Information
I546 Sch. 16 para. 355 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

356 In section 22 (enforcement of power of entry)—

(a) in subsection (8), after "compensation from" insert " a local policing body, ";

(b) in subsection (9), after "A" (at the beginning) insert " local policing body, a ".

Commencement Information
I547 Sch. 16 para. 356 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

357 In section 28 (enforcement of power of entry)—

(a) in subsection (6), after "compensation from" insert " a local policing body, ";

(b) in subsection (7), after "A" (at the beginning) insert " local policing body, a ".

Commencement Information
I548 Sch. 16 para. 357 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Police and Justice Act 2006

358 The Police and Justice Act 2006 is amended as follows.

Commencement Information
I549 Sch. 16 para. 358 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

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359 In section 6 (consultation with APA and ACPO), omit subsection (2)(a).

360 (1) Schedule 1 (National Policing Improvement Agency) is amended as follows.

(2) In paragraph 5 (annual plans)—

(a) in sub-paragraph (6)(b), for "police authority" substitute " local policing body ";

(b) in sub-paragraph (7), for paragraph (b) substitute—

"(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(ba) the Mayor's Office for Policing and Crime,

(bb) the Common Council of the City of London,".

(3) In paragraph 6 (strategic priorities), for sub-paragraph (2)(c) (and the word "and" at the end of sub-paragraph (2)(b)) substitute—

"(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(c) the Mayor's Office for Policing and Crime, and

(d) the Common Council of the City of London.".

(4) In paragraph 7 (chairman and other members)—

(a) for sub-paragraph (2)(a) substitute—

"(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(ab) the Mayor's Office for Policing and Crime,

(ac) the Common Council of the City of London, and";

(b) in sub-paragraph (4)(a), for "nominated by the Association of Police Authorities" substitute " who is a police and crime commissioner ".

(5) In paragraph 28 (annual reports), in sub-paragraph (4)(b), for "police authority" substitute " local policing body ".

(6) In the italic heading before paragraph 35 (Payments by Agency to police authorities), after "to" insert " local policing bodies ".

(7) In paragraph 35, in sub-paragraph (a), for "police authorities" substitute " local policing bodies ".

(8) In paragraph 48 (power to modify objects, functions and strategy of the Agency), in sub-paragraph (10), for sub-paragraph (b) substitute—

"(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,

(c) the Mayor's Office for Policing and Crime,

(d) the Common Council of the City of London, and".

Commencement Information

I550 Sch. 16 para. 360 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 78)

Safeguarding Vulnerable Groups Act 2006

361 In the Safeguarding Vulnerable Groups Act 2006, in Schedule 3 (barred lists), in paragraph 19 (information), in sub-paragraph (4), for "police authority" substitute " local policing body ".

Commencement Information
I551 Sch. 16 para. 361 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Violent Crime Reduction Act 2006

362 The Violent Crime Reduction Act 2006 is amended as follows.

Commencement Information
I552 Sch. 16 para. 362 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

363 In section 18 (functions of local chief officer of police), for "police authority" (in each place), substitute " local policing body ".

Commencement Information
I553 Sch. 16 para. 363 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

364 In section 19 (guidance about the designation of zones)—
(a) for "police authorities" (in each place) substitute " local policing bodies ";
(b) for "police authority" substitute " local policing body ".

Commencement Information
I554 Sch. 16 para. 364 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Corporate Manslaughter and Corporate Homicide Act 2007

365 In the Corporate Manslaughter and Corporate Homicide Act 2007, in section 13 (application to police forces), in subsection (3)(b), for "police authority" substitute " local policing body ".

Commencement Information
I555 Sch. 16 para. 365 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Government and Public Involvement in Health Act 2007

366 The Local Government and Public Involvement in Health Act 2007 is amended as follows.

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I556 Sch. 16 para. 366 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

367 In section 104 (application of Chapter 1 of Part 5: partner authorities), for subsection (2)(e) substitute—

"(e) a local policing body;".

Commencement Information
I557 Sch. 16 para. 367 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

368 In section 123 (joint overview and scrutiny committees), in subsection (7) for "a police authority" substitute " a local policing body ".

Commencement Information
I558 Sch. 16 para. 368 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

369 In section 212 (entities controlled etc by local authorities), in subsection (7), in paragraph (a) of the definition of "local authority", after "that Act)" insert " , apart from a police and crime commissioner ".

Serious Crime Act 2007

370 In the Serious Crime Act 2007, in section 39 (compliance with orders: authorised monitors), in subsection (10), in the definition of "law enforcement agency"—

(a) before paragraph (a) insert—

"(za) the chief constable of a police force maintained under section 2 of the Police Act 1996;

(zb) the Commissioner of Police of the Metropolis;

(zc) the Common Council of the City of London in its capacity as police authority;";

(b) in paragraph (a), omit "a police authority or".

Commencement Information
I559 Sch. 16 para. 370 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 79)

Pensions Act 2008

371 (1) In the Pensions Act 2008, section 95 (police) is amended as follows.

(2) In subsection (1), after "by the" insert " relevant local policing body or ".

(3) In subsection (2)—

(a) after "A" (in the first place) insert " local policing body, or a ";

(b) after "relevant" insert " local policing body, or relevant ".

Commencement Information

I560 Sch. 16 para. 371 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Coroners and Justice Act 2009

372 In the Coroners and Justice Act 2009, in section 24 (provision of staff and accommodation), in subsection (2), for "police authority" substitute " local policing body ".

Commencement Information

I561 Sch. 16 para. 372 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Local Democracy, Economic Development and Construction Act 2009

373 The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.

Commencement Information

I562 Sch. 16 para. 373 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

374 In section 2 (democratic arrangements of connected authorities)—

(a) for subsection (3)(f) substitute—

"(f) a local policing body;";

(b) for subsection (5)(e) substitute—

"(e) a local policing body;".

Commencement Information

I563 Sch. 16 para. 374 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

375 In section 23 (duty of public authorities to secure involvement), in subsection (2), for paragraph (j) substitute—

"(j) the Common Council of the City of London in its capacity as a police authority;".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 22/11/2012

376 In section 35 (mutual insurance: supplementary), in subsection (2), for paragraph (k) substitute—

"(k) the Common Council of the City of London in its capacity as a police authority;".

377 In section 123 (partner authorities), for subsection (2)(d) substitute—

"(d) a local policing body;".

Commencement Information

I564 Sch. 16 para. 377 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Policing and Crime Act 2009

378 In the Policing and Crime Act 2009, in section 2 (Police Senior Appointments Panel), omit subsection (1).

Commencement Information

I565 Sch. 16 para. 378 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Child Poverty Act 2010

379 In the Child Poverty Act 2010, in section 20(2)(b) (partner authorities), for "police authority" substitute " local policing body ".

Commencement Information

I566 Sch. 16 para. 379 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

Equality Act 2010

380 The Equality Act 2010 is amended as follows.

Commencement Information

I567 Sch. 16 para. 380 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1**

VALID FROM 22/11/2012

381 In section 1 (public sector duty regarding socio-economic duties), in subsection (3)(k), for "police authority" substitute " police and crime commissioner ".

382 In section 43 (interpretation of section 42)—

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

(a) in subsection (3), for "police authority" (in each place) substitute " local policing body or police authority ";

(b) in subsection (8), for paragraph (d) substitute—

"(d) the Police Reform and Social Responsibility Act 2011.".

Commencement Information

I568 Sch. 16 para. 382 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 80)

383 In Schedule 19 (public authorities), in Part 1, under the heading "*Police*", for "The Metropolitan" to "section 3 of that Act", substitute—

"A police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.

The Mayor's Office for Policing and Crime established under section 3 of that Act.".

Commencement Information

I569 Sch. 16 para. 383 in force at 16.1.2012 by S.I. 2011/3019, art. 3, **Sch. 1** (with Sch. 2 para. 81)

SCHEDULE 17

Section 151

TEMPORARY CLASS DRUG ORDERS

Amendments of the Misuse of Drugs Act 1971

1 The Misuse of Drugs Act 1971 is amended in accordance with paragraphs 2 to 20.

Commencement Information

I570 Sch. 17 para. 1 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

2 In section 2 (controlled drugs and their classification for purposes of Act), in subsection (1)—

(a) in paragraph (a), for the words after "specified" substitute "—

(i) in Part I, II or III of Schedule 2, or

(ii) in a temporary class drug order as a drug subject to temporary control (but this is subject to section 2A(6));", and

(b) at the end of paragraph (b) insert ", and

(c) the expression "temporary class drug" means any substance or product which is for the time being a controlled drug by virtue of a temporary class drug order;".

Commencement Information

I571 Sch. 17 para. 2 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

3 After section 2 insert—

"**2A Temporary class drug orders**

(1) The Secretary of State may make an order (referred to in this Act as a "temporary class drug order") specifying any substance or product as a drug subject to temporary control if the following two conditions are met.

(2) The first condition is that the substance or product is not a Class A drug, a Class B drug or a Class C drug.

(3) The second condition is that—
  (a) the Secretary of State has consulted in accordance with section 2B and has determined that the order should be made, or
  (b) the Secretary of State has received a recommendation under that section that the order should be made.

(4) The Secretary of State may make the determination mentioned in subsection (3)(a) only if it appears to the Secretary of State that—
  (a) the substance or product is a drug that is being, or is likely to be, misused, and
  (b) that misuse is having, or is capable of having, harmful effects.

(5) A substance or product may be specified in a temporary class drug order by reference to—
  (a) the name of the substance or product, or
  (b) a description of the substance or product (which may take such form as the Secretary of State thinks appropriate for the purposes of the specification).

(6) A substance or product specified in a temporary class drug order as a drug subject to temporary control ceases to be a controlled drug by virtue of the order—
  (a) at the end of one year beginning with the day on which the order comes into force, or
  (b) if earlier, upon the coming into force of an Order in Council under section 2(2) by virtue of which the substance or product is specified in Part 1, 2 or 3 of Schedule 2.

(7) Subsection (6)—
  (a) is subject to subsection (10), and
  (b) is without prejudice to the power of the Secretary of State to vary or revoke a temporary class drug order by a further order.

(8) The power of the Secretary of State to make an order under this section is subject to section 2B.

(9) An order under this section is to be made by statutory instrument.

(10) An order under this section—
  (a) must be laid before Parliament after being made, and
  (b) ceases to have effect at the end of the period of 40 days beginning with the day on which the order is made unless before the end of

that period the order is approved by a resolution of each House of Parliament.

(11) In calculating that period of 40 days no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

(12) Subsection (10)(b)—

(a) is without prejudice to anything previously done or to the power of the Secretary of State to make a new order under this section;

(b) does not apply to an order that only revokes a previous order under this section.

2B Orders under section 2A: role of Advisory Council etc

(1) Before making an order under section 2A the Secretary of State—

(a) must consult as mentioned in subsection (2), or

(b) must have received a recommendation from the Advisory Council to make the order.

(2) The Secretary of State must consult—

(a) the Advisory Council, or

(b) if the order is to be made under section 2A(1) and the urgency condition applies, the person mentioned in subsection (3).

(3) The person referred to in subsection (2)(b) is—

(a) the person who is for the time being the chairman of the Advisory Council appointed under paragraph 1(3) of Schedule 1, or

(b) if that person has delegated the function of responding to consultation under subsection (1)(a) to another member of the Advisory Council, that other member.

(4) The "urgency condition" applies if it appears to the Secretary of State that the misuse of the substance or product to be specified in the order as a drug subject to temporary control, or the likelihood of its misuse, poses an urgent and significant threat to public safety or health.

(5) The duty of the Advisory Council or any other person consulted under subsection (1)(a) is limited to giving to the Secretary of State that person's opinion as to whether the order in question should be made.

(6) A recommendation under subsection (1)(b) that a temporary class drug order should be made may be given by the Advisory Council only if it appears to the Council that—

(a) the substance or product is a drug that is being, or is likely to be, misused, and

(b) that misuse is having, or is capable of having, harmful effects.".

Commencement Information

I572 Sch. 17 para. 3 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
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4 In section 3 (restriction of importation and exportation of controlled drugs), in subsection (2)(a) after "this Act" insert " or by provision made in a temporary class drug order by virtue of section 7A ".

Commencement Information
I573 Sch. 17 para. 4 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

5 In section 4(1) (restriction of production and supply of controlled drugs), after "this Act" insert " , or any provision made in a temporary class drug order by virtue of section 7A, ".

Commencement Information
I574 Sch. 17 para. 5 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

6 In section 5 (restriction of possession of controlled drugs), after subsection (2) insert—

"(2A) Subsections (1) and (2) do not apply in relation to a temporary class drug.".

Commencement Information
I575 Sch. 17 para. 6 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

7 In section 7 (authorisation of activities otherwise unlawful under foregoing provisions of Act), after subsection (9) insert—

"(10) In this section a reference to "controlled drugs" does not include a reference to temporary class drugs (see instead section 7A).".

Commencement Information
I576 Sch. 17 para. 7 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

8 After section 7 insert—

"**7A Temporary class drug orders: power to make further provision**

(1) This section applies if a temporary class drug order specifies a substance or product as a drug subject to temporary control.

(2) The order may—

(a) include provision for the exception of the drug from the application of section 3(1)(a) or (b) or 4(1)(a) or (b),

(b) make such other provision as the Secretary of State thinks fit for the purpose of making it lawful for persons to do things in respect of the drug which under section 4(1) it would otherwise be unlawful for them to do,

(c) provide for circumstances in which a person's possession of the drug is to be treated as excepted possession for the purposes of this Act, and

(d) include any provision in relation to the drug of a kind that could be made in regulations under section 10 or 22 if the drug were a Class A drug, a Class B drug or a Class C drug (but ignoring section 31(3)).

(3) Provision under subsection (2) may take the form of applying (with or without modifications) any provision made in regulations under section 7(1), 10 or 22.

(4) Provision under subsection (2)(b) may (in particular) provide for the doing of something to be lawful if it is done—

(a) in circumstances mentioned in section 7(2)(a), or

(b) in compliance with such conditions as may be prescribed by virtue of section 7(2)(b).

(5) Section 7(8) applies for the purposes of this section.

(6) Section 31(1) (general provision as to regulations) applies in relation to a temporary class drug order that contains provision made by virtue of this section as it applies to regulations under this Act.".

Commencement Information

I577 Sch. 17 para. 8 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

9 In section 9A (prohibition of supply etc of articles for administering or preparing controlled drugs), in subsection (4)—

(a) at the end of paragraph (a) omit "or",

(b) in paragraph (b) after "of a controlled drug" insert " , other than a temporary class drug, ", and

(c) at the end of that paragraph insert ", or

(c) the administration by any person of a temporary class drug to himself in circumstances where having the drug in his possession is to be treated as excepted possession for the purposes of this Act (see section 7A(2)(c)).".

Commencement Information

I578 Sch. 17 para. 9 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

10 In section 10 (power to make regulations for preventing misuse of controlled drugs), after subsection (2) insert—

"(3) In this section a reference to "controlled drugs" does not include a reference to temporary class drugs (see instead section 7A).".

Commencement Information

I579 Sch. 17 para. 10 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

11 In section 11 (power to direct special precautions for safe custody of controlled drugs to be taken at certain premises), in subsection (1) after "of this Act" insert "

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or by provision made in a temporary class drug order by virtue of section 7A that is of a corresponding description to such regulations ".

Commencement Information
I580 Sch. 17 para. 11 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

12 (1) Section 13 (directions prohibiting prescribing, supply etc of controlled drugs by practitioners in other cases) is amended as follows.

(2) In subsection (1)—

(a) after "section 10(2) of this Act" insert " or of corresponding provision made in a temporary class drug order ", and

(b) after "said paragraph (i)" insert " or of any such corresponding provision ".

(3) After subsection (1) insert—

"(1A) For the purposes of subsection (1), provision made in a temporary class drug order is "corresponding provision" if it—

(a) is made by virtue of section 7A(2)(d), and

(b) is of a corresponding description to regulations made in pursuance of section 10(2)(h) or (as the case may be) 10(2)(i).".

Commencement Information
I581 Sch. 17 para. 12 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

13 In section 18 (miscellaneous offences), after subsection (4) insert—

"(5) In this section (and in references in Schedule 4 that refer to this section), any reference to regulations made under this Act is to be taken as including a reference to provision made in a temporary class drug order by virtue of section 7A.

(6) For this purpose, a reference in subsection (1) or (2) to regulations made in pursuance of section 10(2)(h) or (i) is a reference to any provision of a temporary class drug order which—

(a) is made by virtue of section 7A(2)(d), and

(b) is of a corresponding description to regulations made in pursuance of section 10(2)(h) or (as the case may be) (i).".

Commencement Information
I582 Sch. 17 para. 13 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

14 In section 22 (further power to make regulations)—

(a) renumber the existing provision as subsection (1), and

(b) after that subsection insert—

"(2) The power to make regulations under this section does not apply in relation to temporary class drugs (see instead section 7A).".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I583 Sch. 17 para. 14 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

15 (1) Section 23 (powers to search and obtain evidence) is amended as follows.

(2) In subsection (2) after "any regulations" insert " or orders ".

(3) In subsection (3)(a) after "any regulations" insert " or orders ".

Commencement Information
I584 Sch. 17 para. 15 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

16 After section 23 insert—

"**23A Temporary class drugs: further power to search, seize and detain**

(1) Subsection (3) applies in any case where—
(a) a constable has reasonable grounds to suspect that a person ("P") is in possession of a temporary class drug, and
(b) it does not appear to the constable that a power under section 23(2) applies to the case.

(2) But if any provision has been made by virtue of section 7A(2)(c) (excepted possession) that applies to the temporary class drug in question, subsection (3) applies only if the constable has no reason to believe that P's possession of the drug is to be treated as excepted possession for the purposes of this Act.

(3) The constable may—
(a) search P, and detain P for the purposes of searching P;
(b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;
(c) seize and detain anything found in the course of the search which appears to the constable to be a temporary class drug or to be evidence of an offence under this Act.

In this subsection, "vessel" has the same meaning as in section 23(2).

(4) Subsection (5) applies if a constable reasonably believes that anything detained under subsection (3)(c) is a temporary class drug but is not evidence of any offence under this Act.

(5) The constable may dispose of the drug in such manner as the constable thinks appropriate.

(6) A person who intentionally obstructs a constable in the exercise of the constable's powers under subsection (3) commits an offence.".

Status: *Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

Commencement Information
I585 Sch. 17 para. 16 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

17 (1) Section 25 (prosecution and punishment of offences) is amended as follows.

(2) After subsection (2) insert—

"(2A) Subsection (2B) applies if an offence specified in the first column of Schedule 4 is committed in relation to a temporary class drug.

(2B) The punishments which may be imposed on a person convicted of the offence summarily or (as the case may be) on indictment in relation to the temporary class drug are the same as those which could be imposed had the person been convicted of the offence in that way in relation to a Class B drug (see the fifth column of Schedule 4).".

(3) After subsection (3) insert—

"(3A) The punishments which may be imposed on a person convicted of an offence under section 23A(6) are the same as those which, under Schedule 4, may be imposed on a person convicted of an offence under section 23(4).".

Commencement Information
I586 Sch. 17 para. 17 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

18 In section 30 (licenses and authorities) after "of regulations" insert " or orders ".

Commencement Information
I587 Sch. 17 para. 18 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

19 In section 37(1) (interpretation), after the definition of "supplying" insert—

""temporary class drug order" means an order made under section 2A(1);".

Commencement Information
I588 Sch. 17 para. 19 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

20 In section 38(1) (special provisions as to Northern Ireland) for "2, 7," substitute " 2, 2A, 2B, 7, 7A, ".

Commencement Information
I589 Sch. 17 para. 20 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

Amendments of other legislation

21 In Schedule 1 to the Customs and Excise Management Act 1979 (controlled drugs: variation of punishments for certain offences)—

(a) in paragraph 1—

(i) in the opening words for "or a Class B drug" substitute " , Class B drug or a temporary class drug ", and

(ii) in paragraph (b)(ii) of the substituted words after " Class B drug " insert " or a temporary class drug ", and

(b) in paragraph 3, for "and "Class C drug"" substitute ", "Class C drug" and "temporary class drug"".

Commencement Information

I590 Sch. 17 para. 21 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

22 In section 19 of the Criminal Justice (International Co-operation) Act 1990 (ships used for illicit traffic), in subsection (4)(b) after "Class B drug" insert " or a temporary class drug ".

Commencement Information

I591 Sch. 17 para. 22 in force at 15.11.2011 by S.I. 2011/2515, **art. 3(g)**

Status:
Point in time view as at 03/10/2012. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011.