

## SCHEDULES

### 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).

###### *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.

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## 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.

#### *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).
- (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).

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- (6) A police and crime panel may not exercise any functions other than those conferred by this Act.

*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.

*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.

*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

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- (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).

*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;

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“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)).

*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).

*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;

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- (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—
  - (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).

#### *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.

### **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

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- (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.

#### *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.
  - (5) A police and crime panel is not a committee or joint committee of any local authority or local authorities.

#### *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

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- (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).

*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).

*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.



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- (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)).

*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.

*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).

*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.

*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).

**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.

- 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.
- 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.

#### *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-optation 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.

#### *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

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(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.

#### *Voting by members*

26 All members of a police and crime panel may vote in proceedings of the panel.

#### *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).

#### *Allowances*

28 The panel arrangements may make provision about the payment of allowances to members of the police and crime panel.

#### *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.

#### *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.

#### *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.

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- (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 as 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.

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.

*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, 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.

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- (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.
- 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).
- 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.

#### *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.

### *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.

### *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.

### *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.

### *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.

### *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.

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*Status: This is the original version (as it was originally enacted).*

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- (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—
- “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.