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STATUTORY INSTRUMENTS

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**2011 No. 3019**

**The Police Reform and Social Responsibility Act 2011  
(Commencement No. 3 and Transitional Provisions) Order 2011**

**Citation and interpretation**

1.—(1) This Order may be cited as the Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011.

(2) In this Order—

- (a) “the 1996 Act” means the Police Act 1996<sup>(1)</sup>;
- (b) “the 2011 Act” means the Police Reform and Social Responsibility Act 2011.

**Provisions coming into force on 15th December 2011**

2. The day appointed for the coming into force of the following provisions of the 2011 Act is 15th December 2011—

- (a) section 11(1) and (2);
- (b) section 17(4) to (7), to the extent that those provisions allow the Secretary of State to make a financial code of practice, to revise the code and to lay the code or revision of the code before Parliament;
- (c) section 82(1) and (12).

**Provisions coming into force on 16th January 2012**

3. The provisions of the 2011 Act listed in Schedule 1 come into force on 16th January 2012, to the extent set out in that Schedule and subject to articles 4 to 10.

**Transitional provisions in relation to the accounts of the Metropolitan Police Authority**

4. Regulations 7 and 8 of the Accounts and Audit (England) Regulations 2011<sup>(2)</sup> shall not apply to the Metropolitan Police Authority in relation to the financial year beginning on 1st April 2011.

**Transitional provision in relation to complaints against members of the Metropolitan Police Authority**

5.—(1) This article applies in relation to any allegation that a member or co-opted member of the Metropolitan Police Authority has failed, or may have failed, to comply with that authority’s code of conduct, if that allegation is being handled by the authority in accordance with Part 3 of the Local Government Act 2000<sup>(3)</sup> immediately before the authority is abolished under section 3(12) of the 2011 Act.

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(1) 1996 c. 16.  
(2) S.I. 2011/817.  
(3) 2000 c. 22.

(2) Where the member or co-opted member to whom the allegation relates is also a member of the London Assembly, the allegation shall be referred to the Greater London Authority, and shall be dealt with by that authority as if Part 3 of the Local Government Act 2000 and regulations made under that Part continued to apply to it, modified so that—

- (a) references to the code of conduct of the relevant authority have effect as references to the code of conduct of the Metropolitan Police Authority applicable at the time when the conduct which is the subject matter of the allegation is said to have occurred;
- (b) references to the standards committee of the relevant authority have effect as references to the standards committee of the Greater London Authority; and
- (c) references to the monitoring officer of the relevant authority have effect as references to the monitoring officer of the Greater London Authority.

(3) Where the member or co-opted member to whom the allegation relates is not a member of the London Assembly, the allegation shall be referred to the Mayor's Office for Policing and Crime, and shall be dealt with by that office as if Part 3 of the Local Government Act 2000 and regulations made under that Part continued to apply to it, modified so that—

- (a) references to the code of conduct of the relevant authority have effect as references to the code of conduct of the Metropolitan Police Authority applicable at the time when the conduct which is the subject matter of the allegation is said to have occurred;
- (b) references to the standards committee of the relevant authority have effect as references to the Mayor's Office for Policing and Crime;
- (c) references to the monitoring officer of the relevant authority have effect as references to the chief executive appointed by the Mayor's Office for Policing and Crime under paragraph 2(1) of Schedule 3 to the 2011 Act; and
- (d) in the event of a finding that the member or co-opted member to whom the allegation relates failed to comply with the code of conduct of the Metropolitan Police Authority and that a sanction should be imposed, the only sanction that is available to the Mayor's Office for Policing and Crime is censure.

(4) Anything done or treated as done by or in relation to the Metropolitan Police Authority in respect of the allegation has effect as if done—

- (a) by the Greater London Authority, in a case to which paragraph (2) applies, and
- (b) by the Mayor's Office for Policing and Crime, in a case to which paragraph (3) applies.

### **Transitional provision in relation to the appointment of the Deputy Mayor for Policing and Crime**

6.—(1) This article applies on the first occasion when the power to appoint a Deputy Mayor for Policing and Crime under section 19(1)(a) is exercised.

(2) Sections 19(12) and 20 of the 2011 Act do not apply to the appointment, if and only if—

- (a) the person that the Mayor's Office for Policing and Crime proposes to appoint holds the office of chairman of the Metropolitan Police Authority at the time when that authority is abolished under section 3(12) of the 2011 Act; and
- (b) a confirmation hearing was held under Schedule 4A to the Greater London Authority Act 1999<sup>(4)</sup> in relation to the person's appointment to the office of chairman of the Metropolitan Police Authority.

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(4) 1999 c. 29. Schedule 4A was inserted by Schedule 1 to the Greater London Authority Act 2007 (c. 24).

### **Transitory provision in connection with the civilian staff of the metropolitan police force**

7.—(1) This article applies until there is no longer any person employed as a police civilian member of the staff of the Mayor’s Office for Policing and Crime, within the meaning of paragraph 7(10)(b) of Schedule 15 to the 2011 Act.

(2) Section 102(6) of the 2011 Act has effect as if, before paragraph (a), there was inserted—

“(aa) those members of the staff of the Mayor’s Office for Policing and Crime who are under the direction and control of the Commissioner of Police of the Metropolis,”.

(3) Where the Commissioner of Police of the Metropolis—

(a) appoints a person to be the metropolitan police force’s chief finance officer under paragraph 1(1) of Schedule 4 to the 2011 Act; or

(b) appoints a person to act as the chief finance officer under paragraph 2(1) of that Schedule, that person does not become a member of the staff of the Commissioner by virtue of the appointment, but becomes or remains a civilian member of the staff of the Mayor’s Office for Policing and Crime.

### **Transitional and transitory provision and savings in connection with police complaints and misconduct**

8.—(1) This article applies until the coming into force of section 1 of the 2011 Act.

(2) Notwithstanding the coming into force of paragraph 4 of Schedule 14 to the 2011 Act in the metropolitan police district, section 14 of the Police Reform Act 2002(5) continues to have effect in that district with the modification that, for the purposes of that section, “police authority” means the Mayor’s Office for Policing and Crime.

(3) Paragraph 40 of Schedule 16 to the 2011 Act has effect as if it read—

“40. In section 84(4) (representation etc at disciplinary and other proceedings), for the definition of “relevant authority” substitute—

““relevant authority” means—

(a) where the officer concerned is a senior officer of a police force maintained under section 2 or the Commissioner of Police of the Metropolis, the local policing body for the police force of which the officer is a member; and

(b) in any other case, the chief officer of police of the police force of which the officer is a member or for which the officer is appointed as a special constable;”.”.

(4) Paragraph 291(a) of Schedule 16 to the 2011 Act has effect as if it read—

“(a) for the definition of “appropriate authority” substitute—

““appropriate authority”—

(a) in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person, means—

(i) if that person is a senior officer of a police force maintained under section 2 of the Police Act 1996 or the City of London police force, the police authority for the area of the police force of which he is a member;

(ii) if that person is the Commissioner of Police of the Metropolis or a person exercising powers or duties of the Commissioner in accordance

- with section 44 or 45(4) of the Police Reform and Social Responsibility Act 2011, the Mayor’s Office for Policing and Crime; and
- (iii) in any other case, the chief officer under whose direction and control the person is; and
- (b) in relation to a death or serious injury matter, means—
- (i) if the relevant officer is a senior officer of a police force maintained under section 2 of the Police Act 1996 or the City of London police force, the police authority for the area of the police force of which he is a member;
- (ii) if the relevant officer is the Commissioner of Police of the Metropolis or a person exercising powers or duties of the Commissioner in accordance with section 44 or 45(4) of the Police Reform and Social Responsibility Act 2011, the Mayor’s Office for Policing and Crime; and
- (iii) in any other case, the chief officer under whose direction and control the person is;”;

#### **Savings in connection with powers of the Secretary of State**

9.—(1) This article applies until the coming into force of section 1 of the 2011 Act.

(2) Notwithstanding the coming into force of section 81(b) and (c) of the 2011 Act, sections 39 and 43 of the 1996 Act continue to have effect, in relation to a police authority established under section 3 of that Act.

(3) Notwithstanding the coming into force of section 82 of the 2011 Act, section 42 of the 1996 Act continues to have effect without the amendments set out in section 82 but with the following modifications—

- (a) each reference to the Metropolitan Police Authority has effect as a reference to the Mayor’s Office for Policing and Crime;
- (b) the reference to section 9E of the 1996 Act in section 42(1)(a) has effect as a reference to section 48 of the 2011 Act.

#### **Transitory provision and savings in connection with the continued existence of police authorities established under section 3 of the 1996 Act**

10.—(1) This article applies until the coming into force of section 1 of the 2011 Act.

(2) Section 96 of the 2011 Act has effect as if—

- (a) in subsection (2)(a), which amends section 101(1) of the 1996 Act—
- (i) paragraph (a) of the inserted definition of “elected local policing body” was omitted;
- (ii) paragraph (a) of the inserted definition of “local policing body” read—
- “(a) a police authority (in relation to a police area listed in Schedule 1);”;
- (b) subsection (2)(c) had the effect of omitting only paragraph (b) of the definition of “police authority” in section 101(1) of the 1996 Act;
- (c) subsection (2)(e) had effect as if it read—
- “(e) in the definition of “police fund”—
- (i) in paragraph (a), omit “or the metropolitan police force”;
- (ii) for paragraph (b) substitute—

- “(b) in relation to the metropolitan police force, the fund kept by the Mayor’s Office for Policing and Crime under section 21 of the Police Reform and Social Responsibility Act 2011, and”;
- (d) in subsection (3), the reference to the staff of a police and crime commissioner was omitted from the new subsection (3) inserted in section 101 of the 1996 Act.
- (3) Section 102(4) of the 2011 Act has effect as if it read—
- “(4) References in this Part to a police force’s civilian staff are (except in the case of the metropolitan police force) references to those employees of the police authority who are under the direction and control of the chief officer of police.”.
- (4) Notwithstanding the coming into force of paragraph 7 of Schedule 16 to the 2011 Act, section 6(1) to (3) of the 1996 Act continues to have effect.
- (5) Schedule 2 (which sets out further modifications to some of the provisions of the 2011 Act listed in Schedule 1) has effect.

Home Office  
14th December 2011

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Minister of State