

**EXPLANATORY MEMORANDUM TO**  
**THE POLICE (AMENDMENT) REGULATIONS 2011**

**2011 No. 3026**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

2.1 This instrument amends the Police Regulations 2003 in consequence of changes made to policing governance in England and Wales by the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). It inserts provisions about the appointment and removal of senior police officers, and makes further consequential amendments to reflect the replacement of police authorities with police and crime commissioners and the Mayor’s Office for Policing and Crime.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Context**

4.1 The 2011 Act makes changes to the governance arrangements for policing in England and Wales, with the exception of the City of London police area. The Act abolishes the police authorities responsible for maintaining police forces outside London and replaces them with directly elected Police and Crime Commissioners (“PCCs”). The Act also abolishes the Metropolitan Police Authority and replaces it with the Mayor’s Office for Policing and Crime (“MOPC”) – an office held by the Mayor of London. PCCs and the MOPC are referred to collectively in the Act as elected local policing bodies.

4.2 In the City of London the Common Council retains its role as the police authority, and the status of the Commissioner of the City of London Police remains unchanged. PCCs, the MOPC and the Common Council are referred to collectively in the Act as local policing bodies.

4.3 The 2011 Act provides for the establishment of a Police and Crime Panel for each police area, with the function of scrutinising the actions and decisions of the elected local policing body. The Police and Crime Panel for the Metropolitan Police District is a committee of the London Assembly.

4.4 The 2011 Act provides for Chief Officers of Police of forces outside London (Chief Constables) to be appointed by the PCC – previously they were appointed by the police authority. The PCC has the power to suspend or remove the Chief Constable. The Act provides for the Chief Officer of Police

for the Metropolitan Police District (the Commissioner) and the Deputy Commissioner to continue to be appointed by the Queen on the advice of the Secretary of State. The MOPC has the power to suspend or remove the Commissioner or Deputy Commissioner, with the approval of the Secretary of State.

4.5 The 2011 Act further provides for senior police officers in forces other than the City of London force to be appointed by the Chief Officer of Police – previously these officers were appointed by the police authority. The power of the police authority to suspend or remove these officers is also passed to the Chief Officer. The ranks concerned are those of Assistant Chief Constable and Deputy Chief Constable Assistant in police forces outside London, and Commander, Deputy Assistant Commissioner and Assistant Commissioner in the Metropolitan Police force.

4.6 The 2011 Act amends section 50 of the Police Act 1996 in order to allow Police Regulations made under that section to include provision about the procedures to be followed in connection with the exercise of powers to suspend or remove senior police officers.

## **5. Territorial Extent and Application**

5.1 This instrument applies to England and Wales.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 This instrument amends the Police Regulations 2003 to set out the procedures to be followed where an elected local policing body (a police and crime commissioner or the Mayor's Office for Policing and Crime) proposes to call on a Chief Officer of Police to retire or resign, or a Chief Officer proposes to call on a senior officer to retire or resign. They introduce, as safeguards in the process, provision for the elected local policing body to obtain the views of Her Majesty's Chief Inspector of Constabulary on the proposal, and for relevant information including the Chief Inspector's views to be made available to the Chief Officer concerned and the Police and Crime Panel.

7.2 Consequential amendments are being made to the Police Regulations 2003 to reflect the replacement of police authorities with local policing bodies. No change is made to the substance of the functions of the bodies under the Regulations – the local policing bodies will not have any different or greater powers than a police authority has at present, and there is no change to the terms and conditions of service of police officers. In due course, further

consideration will be given as to whether any of the functions under the Police Regulations 2003 should be assumed by the Chief Officer, but for the present they are all being given to the local policing body.

7.3 This instrument also imposes a formal requirement for candidates for appointment as a senior police officer to pass such courses and assessment centres as are determined by the Secretary of State. This merely reflects the policy of police forces and police authorities at present.

7.4 These amendments to the Police Regulations 2003 come into force on 16 January 2012 in the Metropolitan Police District, to reflect the replacement of the Metropolitan Police Authority with the MOPC on that date. They will come into force in the rest of England and Wales on 22 November 2012, when PCCs replace police authorities. In the City of London, the Common Council will be the local policing body for the City and will have the same functions under the regulations as it does now in its capacity as a police authority.

- ***Consolidation***

7.5 These regulations make limited amendments to the Police Regulations 2003 that are consequent upon provisions in the 2011 Act, and that have to be made at relatively short notice before the relevant provisions of the Act come into force. Accordingly this is not regarded as a suitable opportunity to consolidate these and other amendments that have been made to the Police Regulations 2003.

## **8. Consultation outcome**

8.1 A draft of these Regulations has been supplied to the Police Negotiating Board and the Police Advisory Board for England and Wales. The representations of both boards have been taken in to consideration and changes have been made to the draft as a result of points raised by the Police Advisory Board.

## **9. Guidance**

9.1 The Regulations are intended to be self-explanatory to the lay reader, and no guidance will be issued.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is a minimal impact on the public sector. Police forces and police authorities already have procedures in place in relation to the dismissal of a senior police officer, and this instrument does not materially add to the burden on them. Bearing in mind the very small number of cases that are expected to arise, the additional burden on Her Majesty's Chief Inspector of Constabulary will not be significant.

10.3 An Impact Assessment has not been prepared for this instrument.

**11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 The Police Regulations 2003 make extensive provision about the terms and conditions of service of police officers in England and Wales, and the effective operation of the Regulations is the subject of ongoing attention by the Home Office.

**13. Contact**

13.1 Andrew Johnson at the Home Office Tel: 020 7035 or email: [andrew.johnson9@homeoffice.gsi.gov.uk](mailto:andrew.johnson9@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.