
STATUTORY INSTRUMENTS

2011 No. 3026

The Police (Amendment) Regulations 2011

Amendments to the Police Regulations 2003

8. After regulation 11 insert—

“Removal of chief constable or commissioner or deputy commissioner of the metropolitan police

11A.—(1) If an elected local policing body is proposing to call on a member of a police force to retire or resign under section 38(3) or 48(3) of the 2011 Act, the body shall—

- (a) obtain the views of the chief inspector of constabulary in writing;
- (b) have regard to those written views;
- (c) give the member a copy of those written views at the time of giving the member a written explanation of the reasons why the body is proposing to call for the retirement or resignation in accordance with section 48(5)(a) of, or paragraph 13(2) of Schedule 8 to, the 2011 Act; and
- (d) if the body is a police and crime commissioner, give the police and crime panel a copy of those written views at the time of giving the panel a copy of the commissioner’s reasons in accordance with paragraph 13(3)(b) of that Schedule.

(2) If, having complied with paragraph (1) of this regulation and paragraph 13 of Schedule 8 to the 2011 Act, a police and crime commissioner still proposes to call upon the chief constable to retire or resign, the commissioner shall, at the time of giving the chief constable and the police and crime panel notification of the commissioner’s intention in accordance with paragraph 14(2) of that Schedule —

- (a) give the chief constable and the panel a written explanation of the reasons why the commissioner still proposes to call for the retirement or resignation;
- (b) give the chief inspector of constabulary a copy of the notification and the explanation; and
- (c) give the chief executive appointed under paragraph 6(1)(a) of Schedule 1 to the 2011 Act a copy of the notification, the explanation and the written views of the chief inspector obtained in accordance with paragraph (1)(a) of this regulation.

Removal of other senior officers

11B.—(1) If a chief officer is proposing to call on a member of a police force to retire or resign under section 39(5), 40(4) or 49(3) of the 2011 Act, the chief officer shall—

- (a) notify the relevant elected local policing body of the proposal as soon as is practicable;
- (b) obtain the views of the chief inspector of constabulary in writing;
- (c) have regard to those written views; and

(d) give the member a copy of those written views at the time of giving the member a written explanation of the reasons why the chief officer is proposing to call for the retirement or resignation in accordance with section 49(5)(a) of, or paragraph 19(2) of Schedule 8 to, the 2011 Act.

(2) Paragraph (1)(a) is without prejudice to the duty of a chief constable to consult the relevant police and crime commissioner under paragraph 20(2) of Schedule 8 to the 2011 Act.

(3) In addition to giving the member of the police force the opportunity to make written representations in accordance with section 49(5)(b) of, or paragraph 19(3) of Schedule 8 to, the 2011 Act, the chief officer shall give the member the opportunity to make oral representations at a meeting attended by the chief officer.

(4) If, having complied with paragraphs (1) and (2) of this regulation and section 49(5) of, or paragraph 19 of Schedule 8 to, the 2011 Act, the chief officer still proposes to call on the member of the police force to retire or resign, the chief officer shall—

- (a) give the relevant elected local policing body—
 - (i) a written explanation of the chief officer’s reasons, and
 - (ii) a copy of the written views of the chief inspector of constabulary, at the time of consulting that body in accordance with section 49(3) of, or paragraph 20(2) of Schedule 8 to, the 2011 Act; and
- (b) give a copy of the written explanation of the chief officer’s reasons to—
 - (i) the member, and
 - (ii) the chief inspector of constabulary.”