
STATUTORY INSTRUMENTS

2012 No. 2087

POLICE, ENGLAND AND WALES

**The Police and Crime Commissioner (Disqualification)
(Supplementary Provisions) Regulations 2012**

<i>Made</i>	- - - -	<i>9th August 2012</i>
<i>Laid before Parliament</i>		<i>13th August 2012</i>
<i>Coming into force</i>	- -	<i>15th September 2012</i>

These Regulations are made by the Secretary of State, in exercise of the powers conferred by sections 65(3), 66(8) and 154(5)(a) of the Police Reform and Social Responsibility Act 2011⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012 and shall come into force on 15th September 2012.

(2) In these Regulations, “the 2011 Act” means the Police Reform and Social Responsibility Act 2011.

Entities under the control of local policing body or other body or chief officer of police

2.—(1) For the purposes of section 65(1)(i) of the 2011 Act (disqualification from election or holding office as police and crime commissioner: police grounds), an entity (“E”)—

- (a) is under the control of a local policing body in the circumstances specified in paragraph (2);
- (b) is under the control of a body mentioned in section 65(1)(h) of the 2011 Act in the circumstances specified in paragraph (3);
- (c) is under the control of a chief officer of police in the circumstances specified in paragraph (4).

(2) The circumstances specified in this paragraph are that appointments to E are or may be made or confirmed by—

- (a) a police and crime commissioner,
- (b) the Mayor’s Office for Policing and Crime,
- (c) the Common Council of the City of London in its capacity as a police authority,

- (d) a committee or sub-committee of the Common Council in that capacity, or
- (e) a joint committee on which a person or body referred to in any of sub-paragraphs (a) to (c) is represented.

(3) The circumstances specified in this paragraph are that appointments to E are or may be made or confirmed by any of the bodies mentioned in section 65(1)(h) of the 2011 Act.

(4) The circumstances specified in this paragraph are that appointments to E are or may be made or confirmed by a chief officer of police.

(5) It does not matter for the purposes of paragraphs (2) to (4) whether the appointments are made or confirmed by the person or body referred to acting alone or jointly with another person or body.

Entities under the control of a relevant council

3.—(1) For the purposes of section 66(5)(b) of the 2011 Act (disqualification from election or holding office as police and crime commissioner: other grounds), an entity (“E”) is under the control of a relevant council⁽²⁾ in the circumstances specified in paragraph (2) or (3).

(2) The circumstances specified in this paragraph are that appointments or elections to E are or may be made or confirmed by—

- (a) a relevant council,
- (b) a committee or sub-committee of a relevant council,
- (c) a joint committee on which a relevant council is represented, or
- (d) a person appointed or elected to E by a council or committee referred to in any of sub-paragraphs (a) to (c).

(3) The circumstances specified in this paragraph are that E is a company which, in accordance with Part 5 of the Local Government and Housing Act 1989⁽³⁾ (other than section 73), is under the control of a relevant council.

Home Office
9th August 2012

Nick Herbert
Minister of State

(2) See section 66(7) of the Police Reform and Social Responsibility Act 2011 for the definition of “relevant council”.
(3) 1989 c.42. Part 5 is repealed by section 261(1) of, and Schedule 18 to, the Local Government and Public Involvement in Health Act 2007 (c.28). At the making of these Regulations, the repeal had not been brought into force.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the circumstances in which an entity is regarded as being under the control of another for the purposes of sections 65 and 66 of the Police Reform and Social Responsibility Act 2011 (c.13). Those sections set out certain grounds on which a person is disqualified from being elected to or holding office as a police and crime commissioner. Those grounds include employment in an entity which is under the control of certain persons or bodies connected with policing or local authorities.

Regulation 2 provides that an entity is under the control of a specified policing or other body, or a chief officer of police, when appointments to the entity may be made or confirmed by the body or officer or, in certain cases, by a committee on which they are represented.

Regulation 3 sets out that an entity is under the control of a relevant council when appointments to the entity may be made or confirmed by the council.