
STATUTORY INSTRUMENTS

2012 No. 2271

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

PART 2

Precepts

Notification of proposed precept

3. The police and crime commissioner shall comply with the duty under paragraph 2 of Schedule 5 (commissioner to notify panel of proposed precept) by 1st February of the relevant financial year.

Report on proposed precept

4.—(1) The panel shall comply with the duty under paragraph 3 of Schedule 5 (panel to review proposed precept) by 8th February of the relevant financial year.

(2) Where the panel exercises the power under paragraph 4 of Schedule 5 (panel's power to veto precept) but fails to act in accordance with paragraph (1) of this regulation, the end of the scrutiny process is reached and, notwithstanding the veto, the police and crime commissioner may issue the proposed precept as the precept for the financial year.

Veto: police and crime commissioner's response

5.—(1) Where the panel exercises the power under paragraph 4 of Schedule 5, the police and crime commissioner shall comply with the duty under paragraph 6(3) of that Schedule (next steps if veto) by 15th February of the relevant financial year.

(2) The police and crime commissioner shall, in the response given under paragraph 6(3)(b) of Schedule 5, notify the police and crime panel of the precept that he now proposes to issue ("the revised precept").

(3) Where the panel's report under paragraph 3(2) of Schedule 5—

- (a) indicates that the panel vetoes the proposed precept because it is too high, the revised precept shall be lower than the proposed precept;
- (b) indicates that the panel vetoes the proposed precept because it is too low, the revised precept shall be higher than the proposed precept.

Panel's review of revised precept

6.—(1) On receiving a response containing notification of a revised precept under regulation 5(2) the panel shall, by 22nd February of the relevant financial year—

- (a) review the revised precept; and

- (b) make a report to the police and crime commissioner on the revised precept (“the second report”).
- (2) The second report may—
 - (a) indicate whether the panel accepts or rejects the revised precept (but rejection does not prevent the police and crime commissioner from issuing the revised precept as the precept for the financial year); and
 - (b) make recommendations, including recommendations as to the precept that should be issued for the financial year.
- (3) Where the panel fails to act in accordance with paragraph (1), the end of the scrutiny process is reached and the police and crime commissioner may issue the revised precept as the precept for the financial year.

Police and crime commissioner’s consideration of second report

7. On receiving the panel’s second report the police and crime commissioner shall, by 1st March of the relevant financial year—
- (a) have regard to the second report (including any recommendations in the report);
 - (b) give the panel a response to the second report (and any such recommendations); and
 - (c) publish the response.

Issuing precept

8.—(1) In a case other than one to which regulation 4(2) or 6(3) applies, the end of the scrutiny process is reached when the police and crime commissioner gives the panel the response mentioned in regulation 7(b).

- (2) The police and crime commissioner may then—
 - (a) issue the revised precept as the precept for the financial year; or
 - (b) issue a different precept, but this is subject to paragraph (3).
- (3) In relation to the panel’s report under paragraph 3(2) of Schedule 5—
 - (a) where regulation 5(3)(a) applied, the police and crime commissioner shall not issue a precept which is higher than the revised precept; and
 - (b) where regulation 5(3)(b) applied, the police and crime commissioner shall not issue a precept which is lower than the revised precept,

unless it would be in accordance with a recommendation made by the panel in the second report to do so.