
STATUTORY INSTRUMENTS

2012 No. 2734

The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 and come into force on 22nd November 2012.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“English Part 3 panel” means a police and crime panel for a police area in England established and maintained in accordance with Part 3 of Schedule 6;

“councillor”, in relation to a relevant local authority, means a person who—

- (a) is a member of the authority; or
- (b) is the elected mayor of the mayor and cabinet executive (within the meaning of Part 2 of the Local Government Act 2000(1)) of the authority;

“councillor panel member” means a councillor who—

- (a) is appointed as a member of a police and crime panel under paragraph 9, 10, 16 or 18 of Schedule 6; or
- (b) is co-opted by the panel under paragraph 4(1)(b) or 13(1)(b) of that Schedule;

“host authority”, in relation to a police and crime panel, means the relevant local authority which is being provided by the Secretary of State under paragraph 11(2)(b) or 20(1)(c) of Schedule 6 with financial resources in connection with the exercise of functions by or in relation to the panel and its members;

“independent panel member” means a person who is co-opted by a police and crime panel under paragraph 4(1)(b) or 13(1)(b) of Schedule 6 and is not a councillor;

“local authority” means—

- (a) in relation to England, a county or district council;
- (b) in relation to Wales, a county council or a county borough council;

“multi-authority police area” means a police area which covers two or more local authorities;

“Part 2 panel” means a police and crime panel established and maintained in accordance with Part 2 of Schedule 6;

“relevant local authority”, in relation to a police and crime panel, means a local authority which the police area of the panel covers;

“Schedule 6” means Schedule 6 to the Police Reform and Social Responsibility Act 2011;

“single-authority police area” means a police area which covers only one local authority;
“Welsh Part 3 panel” means a police and crime panel for a police area in Wales established and maintained in accordance with Part 3 of Schedule 6.

Application and modification of local authority enactments

3. To the extent that they do not already apply, the enactments listed in Part 1 of the Schedule apply in relation to a Part 2 panel and the members of such a panel.

4. The enactments listed in Part 2 of the Schedule apply in relation to an English Part 3 panel and the members of such a panel.

5. The enactments listed in Part 3 of the Schedule apply in relation to a Welsh Part 3 panel and the members of such a panel.

6. In their application by virtue of regulations 3 to 5, the enactments listed in Parts 1 to 3 of the Schedule have effect as if —

- (a) the functions of the panel were functions of the relevant local authority (in a single-authority police area) or the relevant local authorities (in a multi-authority police area);
- (b) the panel were a committee of the relevant local authority (in a single-authority police area) or a joint committee of the relevant local authorities (in a multi-authority police area), appointed for the purpose of discharging those functions under section 102(1) of the Local Government Act 1972(2);
- (c) a councillor panel member were serving on such a committee (in a single authority police area) or joint committee (in a multi-authority police area) in the member’s capacity as a councillor; and
- (d) an independent panel member were a member of such a committee (in a single-authority police area) or a member of, and representing the host authority on, such a joint committee (in a multi-authority police area), and entitled to vote on any question that falls to be decided at a meeting of the committee or joint-committee.

7. In its application by virtue of regulations 3 to 5 and paragraph 2, 11 or 26 of the Schedule, section 101(2) of the Local Government Act 1972(3) shall have effect as if it read—

“(2) Subject to paragraph 27(1) of Schedule 6 to the Police Reform and Social Responsibility Act 2011 (exercise of special functions), a police and crime panel may arrange for the discharge of any of its functions by a sub-committee of the panel or by an officer of any local authority in the police area, and where functions of the panel are discharged by a sub-committee, then, unless the panel directs otherwise, the sub-committee may arrange for the discharge of any of those functions by an officer of any of the local authorities in the police area.”.

Home Office
30th October 2012

Damian Green
Minister of State

(2) 1972 c. 70.

(3) Section 101(2) applies to local authorities by virtue of section 270(1); it applies to committees and joint committees discharging functions of those authorities by virtue of section 101(1) or (5).