

# SCHEDULES

## SCHEDULE 5

Modifications of police and crime commissioner enactments in their application to the Mayor

### PART 1

#### Primary legislation

##### **Police (Property) Act 1897**

1.—(1) The Police (Property) Act 1897(1) is modified as follows.

(2) In section 2(2A) (regulations with respect to unclaimed property in possession of police), for the last reference to “relevant body” substitute “Combined Authority”.

##### **Trustee Investments Act 1961**

2.—(1) The Trustee Investments Act 1961(2) is modified as follows.

(2) In paragraph 9 of Part 2 of the First Schedule (manner of investment), for “similar officer of the authority” substitute “similar officer of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

##### **Pensions (Increase) Act 1971**

3.—(1) The Pensions (Increase) Act 1971(3) is modified as follows.

(2) In paragraph 51(aa) of Schedule 2 (official pensions: court and police staffs), for “a police and crime commissioner” substitute “the police and crime commissioner for North Yorkshire or of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

##### **Local Government (Miscellaneous Provisions) Act 1976**

4.—(1) The Local Government (Miscellaneous Provisions) Act 1976(4) is modified as follows.

(2) In section 29(1) (repayment of unclaimed compensation etc. paid into court)(5), for “or transferred to the authority”, substitute “to the Mayor, or transferred to the Combined Authority in relation to the Mayor’s PCC functions”.

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(1) 1897 c. 30. Section 2(2A) was inserted by section 1 of the Police (Property) Act 1997 (c. 30) and amended by paragraph 62 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).

(2) 1961 c. 62. There are amendments to paragraph 9 of Part 2 of the First Schedule not relevant to this instrument.

(3) 1971 c. 56. Paragraph 51 was amended by Part 1 of Schedule 9 to the Police Act 1996 (c. 16) and by paragraph 97 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.

(4) 1976 c. 57.

(5) Section 29(1) was amended by paragraph 14 of Schedule 16 to the Housing and Planning Act 2016 (c. 22).

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(3) In section 30(3)(a) (power to forgo repayment of advances of remuneration paid to deceased employees)(6), for “maintained by a local authority”, substitute “maintained by the Mayor of the Combined Authority”.

(4) In section 44(1) (interpretation etc. of Part I), in paragraph (a)(7) of the definition of “local authority”, for “13 to 16, 29, 30, 38, 39 and 41” substitute “13, 14, 16, 29 and 38”.

### **Local Government, Planning and Land Act 1980**

5.—(1) The Local Government, Planning and Land Act 1980(8) is modified as follows.

(2) In section 99 (directions to dispose of land – supplementary)—

(a) after subsection (2), insert—

“(2A) Where a notice under subsection (1) is received by the Combined Authority which relates to land used wholly or partly in relation to the Mayor’s PCC functions, the Mayor is to make any representations under subsection (2) on behalf of the Combined Authority to the Secretary of State.”;

(b) in subsection (4)—

(i) in paragraph (dbzb)(9) at the end insert “or, as the case may be, the Mayor”;

(ii) omit paragraph (dc)(10).

### **Dartford-Thurrock Crossing Act 1988**

6.—(1) The Dartford-Thurrock Crossing Act 1988(11) is modified as follows.

(2) In section 19(a)(i) (exemption from tolls), for “a local policing body” substitute “the Combined Authority for use in relation to the exercise of the Mayor’s PCC functions”.

### **Local Government Finance Act 1988**

7.—(1) The Local Government Finance Act 1988(12) is modified as follows.

(2) In section 114 (functions of responsible officer as regards reports)—

(a) for section (4)(b)(i)(13) substitute—

“(i) the Mayor exercising PCC functions, each member of the Combined Authority, including the Mayor, and each member of the police and crime panel for the Mayor’s area;”

(b) in subsection (8A)(b)(14), for “relevant authority”, substitute “Mayor”.

(3) In section 115 (authority’s duties as regards reports)—

(6) Section 30(3) was substituted by paragraph 126 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(7) The definition of “local authority” was substituted by paragraph 53 of Schedule 14 to the Local Government Act 1985 (c. 51) and amended by paragraph 43(a) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraph 127 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, and paragraph 36 of Schedule 1 to and paragraph 51 of Schedule 2 to the Policing and Crime Act 2017. There are other amendments not relevant to this instrument.

(8) 1980 c. 65.

(9) Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the 2009 Act.

(10) Section 99(4)(dc) was inserted by paragraph 141 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(11) 1988 c. 20.

(12) 1988 c. 41. Section 19(a)(i) was substituted by paragraph 177 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments to section 19 not relevant to this instrument.

(13) Section 114(4)(b) was substituted by paragraph 188(5) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(14) Subsection (8A)(b) was inserted by paragraph 188(6) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

- (a) for subsection (1B)(15) substitute—

“(1B) In the case of a report made by the chief finance officer of the Combined Authority in relation to the Mayor’s PCC functions, the Mayor must consider the report and decide whether the Mayor agrees or disagrees with the views contained in the report and what action (if any) the Mayor proposes to take in consequence of it.”;
  - (b) in subsection (1E)—
    - (i) for “the elected local policing body”, substitute “the Mayor”;
    - (ii) for “that body”, in each place it occurs, substitute “the Mayor”;
  - (c) in subsection (1F)(b), for “elected local policing body’s” substitute “Combined Authority’s”;
  - (d) in subsection (2)(16), for “an elected local policing body” substitute “a Combined Authority in relation to a Mayor exercising PCC functions”.
- (4) For section 116(2B)(17) (information about consideration of reports etc.), substitute—
- “(2B) In the case of the Mayor, the chief finance officer of the Combined Authority must notify the auditor of the Combined Authority of any decision taken by the Mayor in accordance with section 115.”.

## **Road Traffic Act 1988**

- 8.—(1) The Road Traffic Act 1988(18) is modified as follows.
- (2) In section 144(2)(b) (exceptions from requirement of third-party insurance)—
- (a) for “a local policing body” substitute “the Combined Authority for use in relation to the Mayor’s PCC functions”;
  - (b) for “a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)” substitute “the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions”.

## **Local Government and Housing Act 1989**

- 9.—(1) The 1989 Act is modified as follows.
- (2) In section 1 (disqualification and political restriction of certain officers and staff)—
- (a) in subsection (9)(19), for “an elected policing body” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (10)(20), for “an elected local policing body does not include a deputy police and crime commissioner” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions does not include the deputy mayor for policing and crime”.
- (3) In section 4 (designations and reports of head of paid service)—

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(15) Section 115(1B) to (1F) were inserted by paragraph 189(2) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(16) Section 115(2) was amended by paragraph 189(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by [S.I. 2018/226](#).

(17) Section 116(2B) was inserted by paragraph 190(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011

(18) [1988 c. 52](#). Section 144(2)(b) was amended by Part VII of Schedule 34 to the Greater London Authority Act [1999 \(c. 29\)](#), paragraph 197(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011, and paragraph 8 of Schedule 12 to the Policing and Crime Act [2017 \(c. 3\)](#).

(19) Section 1(9) was inserted by paragraph 200 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and amended by section 123(2) of, and paragraph 61 of Schedule 2 and paragraph 86 of Schedule 2 to, the Policing and Crime Act 2017.

(20) Section 1(10) was inserted by section 123(3) of the Policing and Crime Act 2017.

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- (a) omit subsections (1) and (1A)(21);
  - (b) for subsection (4)(22), substitute—
    - “(4) It shall be the duty of the head of the Combined Authority’s paid service, as soon as practicable after he has prepared a report relating to the Mayor’s PCC functions under this section, to arrange for a copy of it to be sent to the members of the Combined Authority, including the Mayor, and to the police and crime panel.”;
  - (c) in subsection (5)(23), omit “(other than an elected policing body)”;
  - (d) in subsection (5A)(24), for “by the head of the body’s paid service” substitute “that relates to the Mayor’s PCC functions”.
- (4) In section 5 (designation and reports of monitoring officer)—
- (a) omit subsection (1C)(25);
  - (b) for subsection (3)(b)(a)(26), substitute—
    - “(a) in the case of a report relating to the Mayor’s PCC functions, to the members of the Combined Authority, including the Mayor, and to the police and crime panel; and”;
  - (c) in subsection (5)—
    - (i) for “a relevant authority” substitute “the Mayor”;
    - (ii) in paragraph (a)(27)—
      - (aa) in sub-paragraph (i), omit “in the case of an elected policing body”;
      - (bb) omit sub-paragraph (ii);
  - (d) in subsection (8)(28), in the definition of “relevant authority” omit “an elected local policing body”.
- (5) Omit section 7(1)(aa) (all staff to be appointed on merit)(29).
- (6) Omit section 13(5ZA) (voting rights of members of certain committees: England and Wales)(30).

## Police Act 1996

**10.**—(1) The Police Act 1996(31) is modified as follows.

(2) In section 22A(9)(a) (collaboration agreements)(32), for “that body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

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(21) Section 4(1A) was inserted by paragraph 201(2) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(22) Section 4(4) was amended by paragraph 201(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011, and by paragraph 62(2) of Schedule 1 and paragraph 87(2) of Schedule 2 to, the Policing and Crime Act 2017.

(23) Section 4(5) was amended by paragraph 201(4) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(24) Section 4(5A) was inserted by paragraph 201(5) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(25) Section 5(1C) was inserted by paragraph 202(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(26) Section 5(3)(b) was amended by paragraph 202(4) of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.

(27) Section 5(5)(a) was amended by paragraph 202(5) of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments not relevant to this instrument.

(28) The definition of “relevant authority” was amended by paragraph 63(4)(b) of Schedule 1 to the Policing and Crime Act 2017. There are other amendments not relevant to this instrument.

(29) Section 7(1)(aa) was inserted by paragraph 203(b) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(30) Section 13(5ZA) was inserted by section 7(8) of the Policing and Crime Act 2017.

(31) 1996 c. 16.

(32) Section 22A was inserted by section 89(2) of the Police Reform and Social Responsibility Act 2011. There are amendments to section 22A not relevant to this instrument.

- (3) In section 41 (directions as to minimum budget)(33)—
- (a) in subsection (1), for “commissioner’s council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)” substitute “PCC component council tax requirement”;
  - (b) in subsection (4), for “precept issued or calculation made by the commissioner under Part 1 of the Local Government Finance Act 1992”, substitute “determination by the Mayor of the final amount of the PCC component”.
- (4) In section 53E (guidance about civilian staff employed by local policing bodies and chief officers)(34)—
- (a) in subsection (1)(a), for “a local policing body” substitute “the Combined Authority and are deployed wholly or partly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (1)(b), for “the body” substitute “the Combined Authority”.
- (5) In section 88 (liability for wrongful acts of constables)(35)—
- (a) in subsection (5A), for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (6)(a), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.
- (6) In section 92(1) (grants by local authorities)(36), for “parish or community” substitute “parish, community or Combined Authority”.
- (7) In section 96(1B) (arrangements for obtaining the views of the community on policing)(37), for “precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992” substitute “PCC component is determined by the Mayor”.

## **Police Reform Act 2002**

**11.—**(1) The Police Reform Act 2002(38) is modified as follows.

- (2) In section 40(7)(d) (community safety accreditation schemes)(39), for “local policing body” substitute “Combined Authority and who are deployed wholly or partly in relation to the Mayor’s PCC functions”.
- (3) In section 42(7) (supplementary provisions relating to designations and accreditations)(40)—
- (a) for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
  - (b) for the second reference to “local policing body” substitute “Combined Authority”;
  - (c) for “or body” substitute “or Combined Authority”.

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(33) Section 41 was amended by paragraph 28 of Schedule 2 to the Police and Justice Act 2006 (c. 48), section 22 of the Police Reform and Social Responsibility Act 2011, and by paragraph 33 of Schedule 7 to the 2011 Act.

(34) Section 53E was inserted by section 125 of the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).

(35) Section 88 was amended by paragraph 85 of Schedule 9 to the Police Act 1997 (c. 50), sections 102(1) and (4) and 103(1) of the Police Reform Act 2002, paragraph 80(3) of Schedule 4 and paragraph 1 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraph 42 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22) and by S.I. 2012/1809 and 2019/742.

(36) Section 92(1) was amended by section 25(4)(a) of the Police Reform and Social Responsibility Act 2011.

(37) Section 96(1B) was inserted by section 14(3) of the Police Reform and Social Responsibility Act 2011.

(38) 2002 c. 30.

(39) Section 40(7)(d) was amended by paragraph 295(4) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(40) Section 42(7) was amended by paragraph 296 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

**Proceeds of Crime Act 2002**

- 12.—(1) The Proceeds of Crime Act 2002(41) is modified as follows.
- (2) For section 55(8)(aa) (sums received by designated officer) substitute—
- “(aa) a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions,”.

**Local Government Act 2003**

- 13.—(1) The 2003 Act is modified as follows.
- (2) In section 7 (credit arrangements)—
- (a) in subsection (1)(a), for “its part” substitute “the part of the Combined Authority”;
- (b) in subsection (2), for “on the part of the authority”, substitute “on the part of the Combined Authority”.

**Railways and Transport Safety Act 2003**

- 14.—(1) The Railways and Transport Safety Act 2003(42) is modified as follows.
- (2) For paragraph 7(2)(c) of Schedule 4 (British Transport Police Authority), substitute—
- “(c) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions,”.

**Local Government and Public Involvement in Health Act 2007**

- 15.—(1) The Local Government and Public Involvement in Health Act 2007(43) is modified as follows.
- (2) For section 15(1)(a) (incidental etc provision in orders or regulations), substitute—
- “(a) for the transfer of functions, property, rights or liabilities from a local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body for any area to another local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body whose area consists of or includes the whole or part of that area;”.

**Local Democracy, Economic Development and Construction Act 2009**

- 16.—(1) The 2009 Act is modified as follows.
- (2) In paragraph 9(1)(a) of Schedule 5B (mayors for combined authority areas: further provision about elections)(44), for “or deputy mayor” substitute “, deputy mayor or deputy mayor for policing and crime”.

**Police Reform and Social Responsibility Act 2011**

17. The PRSR Act is modified as follows.

(41) 2002 c. 29. Section 55(8)(aa) was inserted by paragraph 305 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(42) 2003 c. 20. Paragraph 7(2)(c) of schedule 4 was inserted by paragraph 328 of schedule 16 to the Police Reform and Social Responsibility Act 2011.

(43) 2007 c. 28. Section 15(1)(a) was amended by paragraph 14(2)(a) of Schedule 10 to the Police Reform and Social Responsibility Act 2011.

(44) Schedule 5B was inserted by Schedule 1 to the 2016 Act.

- 18.** In section 5 (police and crime commissioners to issue police and crime plans)(**45**)—
- (a) in subsection (1), for “ordinary election” substitute “election for the return of a Mayor”;
  - (b) in subsection (13)—
    - (i) in the definition of “financial year”, for “the police and crime commissioner” substitute “the Combined Authority”;
    - (ii) omit the definition of “ordinary election”.
- 19.** In section 7(7) (police and crime plans)(**46**)—
- (a) in the definition of “financial year”, for “the elected local policing body” substitute “the Combined Authority”;
  - (b) omit the definition of “ordinary election”;
  - (c) in the definitions of “planning period” and “qualifying day”, for “ordinary election” substitute “election for the return of a Mayor”.
- 20.** In section 16 (appointment of persons not employed by elected local policing bodies)—
- (a) for subsection (1), substitute—

“(1) This section applies where the Mayor, in connection with the exercise of the Mayor’s PCC functions, is required or authorised by any Act—

    - (a) to appoint a person to a specified post in the Combined Authority; or
    - (b) to designate a person as having specified duties or responsibilities.”;
  - (b) in subsection (2), for “the body” substitute “the Combined Authority”.
- 21.** In section 18 (delegation of functions by police and crime commissioners)(**47**)—
- (a) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
  - (b) in subsection (6)—
    - (i) after paragraph (d), insert—

“(da) a deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009(**48**);”;
    - (ii) after paragraph (h), insert—

“(i) the Combined Authority.”;
  - (c) in subsection (7)—
    - (i) for paragraph (f), substitute—

“(f) calculating the PCC component council tax requirement.”.
    - (ii) omit paragraphs (g) and (h);
  - (d) for subsection (10), substitute—

“(10) The deputy mayor for policing and crime is a member of staff of the Combined Authority, unless they are a member of the Combined Authority.”.
- 22.** In section 21 (police fund), after subsection (3) insert—

“(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred or otherwise relates to, the exercise of the Mayor’s PCC functions.”.

(45) There are amendments to section 5 not relevant to this instrument.

(46) Section 7 was amended by paragraph 97 of Schedule 11 to the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).

(47) Section 18 was amended by paragraph 53 of Schedule 7 to the 2011 Act, paragraph 116 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2), and section 23(2) of the Policing and Crime Act 2017 (c. 3).

(48) 2009 c. 20. Section 107C was inserted by section 3 of the 2016 Act.

- 23.** In section 28 (police and crime panels outside London)(**49**)—
- (a) omit subsections (1A) and (1B);
  - (b) in subsection (6)(a), after “police and crime commissioner” insert “, the deputy mayor for policing and crime and any other person who exercises any function of the Mayor pursuant to arrangements made under section 18”.
- 24.** In section 29 (power to require attendance and information)—
- (a) for subsection (1), substitute—
    - “(1) A police and crime panel may require—
    - (a) the Mayor;
    - (b) the deputy mayor for policing and crime,
    - (c) members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions, and
    - (d) any members of the Combined Authority who exercise any function of the Mayor pursuant to arrangements made under section 18,
 to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.”;
  - (b) for subsection (2), substitute—
    - “(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given by that person to—
    - (a) the Mayor in relation to the Mayor’s PCC functions,
    - (b) the deputy mayor for policing and crime, or
    - (c) a member of the Combined Authority who exercises any function of the Mayor pursuant to arrangements made under section 18.”;
  - (c) for subsection (5), substitute—
    - “(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.”;
  - (d) in subsection (6), after “commissioner” insert “or the deputy mayor for policing and crime”.
- 25.** In section 30 (suspension of police and crime commissioner)—
- (a) in subsection (1), for “relevant police and crime commissioner” substitute “Mayor so far as acting in the exercise of PCC functions”;
  - (b) in subsection (3), for “the police and crime commissioner” substitute “the Mayor”.
- 26.** In section 31(3) (conduct), for paragraphs (b) to (d) substitute—
- “(b) deputy mayor for policing and crime.”.
- 27.** In section 62 (appointment of acting commissioner)—
- (a) for subsection (1), substitute—
    - “(1) The police and crime panel must appoint a person to exercise the Mayor’s PCC functions (the “acting commissioner”) if the Mayor is suspended from the exercise of PCC functions in accordance with section 30.”;

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(49) Section 28 was amended by paragraph 89 of Schedule 1 to the Policing and Crime Act 2017.



- (b) in subsection (2), for “member of the police and crime commissioner’s staff”, substitute “member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or the deputy mayor for policing and crime;
- (c) after subsection (2), insert—
  - “(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.”;
- (d) omit subsection (3);
- (e) for subsection (5), substitute—
  - “(5) Any property or rights vested in the Combined Authority in relation to the Mayor’s PCC functions can be dealt with by the acting commissioner.”;
- (f) omit subsection (6)(c);
- (g) in subsection (7)—
  - (i) omit “incapacitated or”;
  - (ii) omit “(c) or”;
- (h) omit subsection (8).

**28.** For section 63 (vacancy where acting commissioner acts for 6 months), substitute—

“**63.**—(1) Subsection (2) applies where—

- (a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the Mayor because the Mayor is unable to act; and
  - (b) the Mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting mayor was appointed.
- (2) At the end of that 6 month period—
- (a) the Mayor ceases to be the Mayor, and
  - (b) accordingly, the office of Mayor becomes vacant.”.

**29.** For section 64(3) to (4A) (disqualification from election as police and crime commissioner) **(50)**, substitute—

“(3) A person is disqualified from being elected as the Mayor at an election held under the York and North Yorkshire Combined Authority Order 2023 if—

- (a) the person has been nominated as a candidate for election as police and crime commissioner for any other police area at an ordinary election, and
- (b) the ordinary election is held on the same day as the election to return the Mayor.

(4) A person is disqualified from being elected as the Mayor at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**(51)** if—

- (a) the person is the police and crime commissioner for any other police area; or
- (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.”.

**30.** In section 65 (disqualification from election or holding office as police and crime commissioner: police grounds)**(52)**—

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**(50)** Subsections (3A) and (4A) were inserted by [S.I. 2017/470](#).

**(51)** [S.I. 2017/69](#).

**(52)** Section 65 was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 ([c. 22](#)), section 122(1) of and paragraph 73(2) of Schedule 9 to, the Policing and Crime Act 2017 ([c. 3](#)) and by [S.I. 2021/1265](#).

*Status: This is the original version (as it was originally made).*

- (a) in subsection (1)(e), insert after paragraph (ii)—
    - “(iii) the Combined Authority;”;
  - (b) for subsection (1A), substitute—
    - “(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime—
      - (a) from being elected as Mayor at an election held under the York and North Yorkshire Combined Authority Order 2023;
      - (b) from being elected at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 to fill a vacancy in the office of Mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.”.
- 31.** In section 70 (declaration of acceptance of office of police and crime commissioner)(**53**)—
- (a) for subsection (1), substitute—
    - “(1) A person elected to the office of Mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.”;
  - (b) omit subsection (2);
  - (c) in subsection (5), for the first reference to “office” substitute “the duty of exercising police and crime commissioner functions as Mayor”;
  - (d) for subsection (6), substitute—
    - “(6) In this section—
      - “appropriate officer” means the person designated as the head of paid service by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989;
      - “specified declaration” means the following declaration—
        - I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as York and North Yorkshire Mayor.
        - In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions:
        - I will serve all the people of York and North Yorkshire.
        - I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public.
        - I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.
        - I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.
        - I will not interfere with the operational independence of police officers.”;
  - (e) omit subsection (7).
- 32.** In Schedule 1 (police and crime commissioners)—
- (a) for paragraph 1, substitute—
    - “**1.** This Schedule applies in relation to the Mayor in the exercise of PCC functions.”;
  - (b) for paragraph 4, substitute—

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(53) Section 70 was amended by [S.I. 2021/1265](#).

- “4.—(1) The Mayor must make authorised pension payments.
- (2) In this paragraph “authorised pension payments” means—
- (a) pensions to, or in respect of, persons who have been the police and crime commissioner for North Yorkshire, and
  - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for North Yorkshire,
- which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.”;
- (c) in paragraph 5(2), for “any of paragraphs 2 to” substitute “paragraph”;
- (d) in paragraph 8(**54**)—
- (i) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
  - (ii) for sub-paragraphs (3) and (3A), substitute—
- “**(3)** The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person’s term of office ends no later than the third day after the day of the poll at an election for the return of a Mayor.
- (3A)** The terms and conditions must also provide for the deputy mayor for policing and crime’s appointment to end when, following an election held to fill a vacancy in the office of the appointing Mayor, the person elected makes and delivers a declaration under section 70.”;
- (e) for paragraph 9(1), substitute—
- “(1) The Mayor must notify the police and crime panel of each proposed appointment by the Mayor of a deputy mayor for policing and crime.”;
- (f) in paragraph 10(9)(a), for “ordinary election of a police and crime commissioner under section 50” substitute “election for the return of a Mayor”;
- (g) for paragraph 13, substitute—
- “**13.**—(1) The Mayor may pay—
- (a) remuneration, allowances and gratuities to members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions; and
  - (b) allowances and gratuities to the deputy mayor for policing and crime where that person is not a member of staff of the Combined Authority.
- (2) The Mayor may pay—
- (a) pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the mayor’s PCC functions; and
  - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions.
- (3) In this paragraph “allowances”—
- (a) in relation to a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions, means allowances in respect of

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(54) Paragraph 8 of Schedule 1 was amended by section 121 of the Policing and Crime Act 2017.

*Status: This is the original version (as it was originally made).*

- expenses incurred by the member of staff in the course of employment as such a member of staff in relation to such functions; and
    - (b) in relation to a deputy mayor for policing and crime who is not a member of the Combined Authority's staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person's duties as deputy mayor for policing and crime.”;
  - (h) for paragraph 15(2), substitute—
    - “(2) A person who is—
      - (a) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions, or
      - (b) a member of the Combined Authority exercising the Mayor's PCC functions, has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the Mayor's PCC functions as a member of staff or as a member of the Combined Authority, unless it is shown to have been done otherwise than in good faith.”;
  - (i) for paragraph 16, substitute—
    - “16. References to the financial year of the Mayor are to be read as if they were references to the financial year of the Combined Authority.”.
- 33. In Schedule 5 (issuing precepts)—**
- (a) in paragraph 1—
    - (i) for sub-paragraph (1), substitute—
      - “(1) The Mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached.”;
    - (ii) for sub-paragraph (3), substitute—
      - “(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.”;
  - (b) in paragraph 2, for “the precept which the commissioner is proposing to issue” substitute “the proposed amount of the PCC component”;
  - (c) in paragraph 3(3), for “the precept that should be issued” substitute “the amount of the PCC component”;
  - (d) in paragraph 4(3), for “precept for the financial year” substitute “PCC component for the financial year”;
  - (e) in paragraph 5(3)—
    - (i) in paragraph (a), for “issue the proposed precept as the precept” substitute “determine that the proposed amount of the PCC component is the final amount of the PCC component”;
    - (ii) in paragraph (b), for “issue a different precept” substitute “determine a different PCC component”;
  - (f) in paragraph 6(2), for “issue the proposed precept as the precept” substitute “determine that the proposed PCC component is to be the PCC component”;
  - (g) in paragraph 8—
    - (i) in sub-paragraph (1), for “the issuing of precepts” substitute “determining the amount of the PCC component”;

- (ii) in sub-paragraph (4), for “precept that may be issued” substitute “amount of the PCC component”.

**34. In Schedule 6 (police and crime panels)(55)—**

- (a) for paragraph 21, substitute—

“**21.** The Mayor, a member of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members may not be a member of the police and crime panel for the Area.”;

- (b) in paragraph 22(1)(a), for the words “police and crime commissioner for that police area” substitute “Combined Authority”;

- (c) in paragraph 33, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the elected Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”;

- (d) in paragraph 34, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the current Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”.

**35. In Schedule 7 (regulations about complaints and conduct matters)(56)—**

- (a) in paragraph 3(1)(a)(ii), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime (unless the holder of that office is a member of the Combined Authority)”;

- (b) for paragraph 4, substitute—

“**4.—**(1) This paragraph applies in relation to qualifying complaints which—

- (a) relate to a holder of the office of—

- (i) Mayor; or

- (ii) deputy mayor for policing and crime, if the holder of that office is a member of the Combined Authority, and

- (b) are not, or cease to be, investigated by the Director General of the Independent Office for Police Conduct or a police force.

(2) Regulations must secure that such complaints are dealt with in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.”.

**36. In Schedule 8 (appointment, suspension and removal of senior police officers)(57)—**

- (a) for paragraph 4(10), substitute—

“(10) For that purpose, “relevant post-election period” means the period that—

- (a) begins with the day of the poll at an election for the return of the Mayor; and

- (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”;

- (b) for paragraph 15(8), substitute—

“(8) For that purpose, “relevant post-election period” means the period that—

- (a) begins with the day of the poll at an election for the return of the Mayor; and

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(55) There are amendments to Schedule 6 not relevant to this instrument.

(56) Schedule 7 was amended by paragraph 73 of Schedule 9 to the Policing and Crime Act 2017. There are other amendments to Schedule 7 not relevant to this instrument.

(57) There are amendments to Schedule 8 not relevant to this instrument.

*Status: This is the original version (as it was originally made).*

- (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”.

#### **Local Audit and Accountability Act 2014**

**37.**—(1) The Local Audit and Accountability Act 2014<sup>(58)</sup> is modified as follows—

(2) In Schedule 4 (further provisions about auditor panels)—

(a) for paragraph 2(4)(a), substitute—

“(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (“the relevant authority concerned”) is a Combined Authority where the Mayor exercises PCC functions;”;

(b) for paragraph 2(5), substitute—

“(5) Where the relevant authority concerned is a Combined Authority where the Mayor exercises PCC functions, references to “the authority” include the chief constable for the area.”.

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<sup>(58)</sup> 2014 c. 2.