STATUTORY INSTRUMENTS

2008 No. 631

The Metropolitan Police Authority Regulations 2008

PART 2

Members of the Metropolitan Police Authority

Number of Members of the Metropolitan Police Authority

5. Where, by virtue of section 5C of the 1996 Act (membership of the Metropolitan Police Authority), the Metropolitan Police Authority is to consist of twenty-three members—

(a) twelve of those members shall be members of the London Assembly appointed under regulation 6, and

(b) eleven shall be persons appointed under regulation 7.

Appointment of members from the London Assembly

6.—(1) The members referred to in regulation 5(a) shall be appointed by the Mayor.

(2) The Mayor shall exercise his power to appoint members of the Metropolitan Police Authority under paragraph (1) so as to ensure that, so far as practicable, in the case of the members for whose appointment he is responsible, the proportion who are members of any given party is the same as the proportion of the members of the London Assembly who are members of that party.

(3) One of the members appointed by the Mayor under paragraph (1) may be the Mayor himself.

Appointment of independent members

7.—(1) Ten of the members referred to in regulation 5(b) shall be appointed—

(a) by the existing members of the Metropolitan Police Authority,

(b) from among persons on a short-list prepared by a selection panel in accordance with Part 3 of these Regulations.

(2) Where an existing member of the Metropolitan Police Authority is on the short-list referred to in paragraph (1)(b) that person shall not be entitled to play any role in the appointment of persons from that short-list and shall not be considered to be an existing member of the Metropolitan Police Authority for the purposes of paragraph (1)(a).

(3) One of the members referred to in regulation 5(b) shall be appointed by the Secretary of State.

8.—(1) The Metropolitan Police Authority shall arrange for a notice stating—

(a) the name of each of its members appointed under regulations 6 and 7,

(b) such other information relating to each of such members as the Metropolitan Police Authority considers appropriate,

to be published in such manner as appears to it to be appropriate.

(2) The Metropolitan Police Authority shall send to the Secretary of State a copy of any notice which it has arranged to be published under paragraph (1).

9. At least one of the members referred to in regulation 5(b) shall be a lay justice for an area all or part of which constitutes or forms part of the metropolitan police district.

Chairman and Vice-Chairman

10.—(1) If the Mayor is a member of the Metropolitan Police Authority, he is to be chairman.

(2) If the Mayor is not a member of the Metropolitan Police Authority he shall before each annual meeting appoint a chairman from among its members.

(3) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made by the Mayor —

(a) before the next meeting of the Metropolitan Police Authority (other than an extraordinary meeting), or

(b) if that meeting is held within fourteen days after the date on which the vacancy occurs and is not an annual meeting, not later than the next following meeting.

11.—(1) Before an annual meeting of the Metropolitan Police Authority the Mayor may appoint one or more vice-chairmen from among the members of the Metropolitan Police Authority.

(2) Where a vice-chairman ceases to hold office at any time between annual meetings, the Mayor may make an appointment to fill the vacancy at any meeting of the Metropolitan Police Authority held more than fourteen days after the occurrence of the vacancy.

(3) Subject to any standing orders made by the Metropolitan Police Authority, anything authorised or required to be done by, to or before its chairman may be done by, to or before any vice-chairman of the Metropolitan Police Authority.

Disqualification

12.—(1) Subject to sub-paragraphs (3) and (4), a person shall be disqualified from being appointed as or being a member of the Metropolitan Police Authority if—

(a) he holds any paid office or employment appointments to which are or may be made or confirmed by the Metropolitan Police Authority or any committee or sub-committee of the Metropolitan Police Authority, or by a joint committee on which the Metropolitan Police Authority is represented, or by any person holding any such office or employment;

(b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;

(c) he is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(**1**), to a disqualification order under Part II of the Companies (Northern Ireland) Order 1989(**2**), to a disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002(**3**) or to an order made under section 429(2)(b) of the Insolvency Act 1986(**4**) (failure to pay under county court administration order); or

(d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence,

(**1**) 1986 c.46.
(**2**) No.2404 (N.I.18).
(**3**) No.3150 (N.I.4).
(**4**) 1986 c.45.

and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.

(2) A paid employee of the Metropolitan Police Authority who is employed under the direction of a joint board, joint authority or joint committee on which the Metropolitan Police Authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified from being appointed as or being a member of the Metropolitan Police Authority.

(3) Where a person is disqualified under paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—

(a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and

(b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.

(4) Where a person is disqualified under paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.

(5) For the purposes of paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

13.—(1) A person shall be disqualified from being appointed as a member of the Metropolitan Police Authority under regulation 7 if—

(a) he has not yet attained the age of eighteen years, or

(b) neither his principal or only place of work, nor his principal or only place of residence, has been in the metropolitan police district during the whole of the period of twelve months ending with the day of appointment.

(2) A person shall be disqualified from being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that district.

14.—(1) A person shall be disqualified from being appointed as a member of the Metropolitan Police Authority under regulation 7, and from being a member so appointed, if he is—

(a) a member of a London borough council;

(b) the Mayor of London;

(c) a member of the London Assembly;

(d) a member of a police force;

(e) an officer or employee of a police authority; or

(f) an officer or employee of the Greater London Authority or of a London borough council.

(2) A person shall not be regarded for the purposes of paragraph (1)(f) as an employee of a London borough council by reason of his holding—

(a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or

(b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

15.—(1) A member of the selection panel for the Metropolitan Police Authority established under Part 3 of these Regulations shall be disqualified from being appointed as a member of a Metropolitan Police Authority under regulation 7, but a member so appointed may subsequently be appointed as a member of a selection panel under regulation 30.

(2) Regulations 12 and 13 do not apply to the Mayor.

Tenure of office

16. A member shall hold and vacate office as a member of the Metropolitan Police Authority in accordance with the terms of his appointment and these Regulations.

17.—(1) A person appointed under regulation 6 shall hold office as a member of the Metropolitan Police Authority for—

(a) a term of four years, or

(b) such shorter term as the Mayor appointing him may determine in any particular case, subject to the consent of the Secretary of State.

(2) A person appointed under regulation 7 shall hold office as a member of the Metropolitan Police Authority for—

(a) a term of four years, or

(b) such shorter term as the members of the Metropolitan Police Authority appointing him may determine in any particular case, subject to the consent of the Secretary of State.

18.—(1) Subject to paragraph (2) a person who ceases to be a member, otherwise than by virtue of regulation 22, or ceases to be chairman, may (if otherwise eligible) be re-appointed whether at the expiry of his term or subsequently.

(2) Members of the Metropolitan Police Authority referred to in regulation 5(b) shall not—

(a) be appointed to serve more than two terms of office without the approval of the Secretary of State;

(b) be appointed to serve a further term of office until four years after the expiry of the previous term, other than when appointed to serve a further term of office on the expiry of the previous term; and

(c) be appointed to serve a further term unless the selection panel established under Part 3 of these Regulations is satisfied with their performance as a member during their previous term.

19. A person may at any time resign his office as a member, or as chairman or vice –chairman, by notice in writing to the Metropolitan Police Authority.

20.—(1) Where the Mayor is appointed to be a member of the Metropolitan Police Authority under regulation 6 he shall cease to be a member of the Metropolitan Police Authority if he ceases to be Mayor and does not on the same day again become Mayor.

(2) A member of the London Assembly appointed to be a member of the Metropolitan Police Authority under regulation 6 shall cease to be a member of the Metropolitan Police Authority if he ceases to be a member of the London Assembly and does not on the same day again become a member of the London Assembly.

21. The Mayor may remove from office a member of the Metropolitan Police Authority appointed by him under regulation 6 with a view to appointing another in his place if it considers that to do so would further the objective provided for by regulation 6(2).

22. The Metropolitan Police Authority may remove a member from office by notice in writing if—

(a) he has been absent from meetings of the Metropolitan Police Authority for a period longer than three consecutive months without the consent of the Metropolitan Police Authority,

(b) he has been convicted of a criminal offence (but is not disqualified from being a member under regulation 12),

(c) the Metropolitan Police Authority is satisfied that the member is incapacitated by physical or mental illness, or

(d) the Metropolitan Police Authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.

23. Where the police Metropolitan Police Authority removes a member under regulation 22, it shall give notice of that fact—

(a) in the case of a member appointed under regulation 6, to the Mayor, and

(b) in the case of a member appointed under regulation 7, to the Secretary of State.

24. If a chairman or vice-chairman of the Metropolitan Police Authority ceases to be a member, he shall also cease to be chairman or vice-chairman.

Validity of acts

25. The acts and proceedings of any person appointed to be a member, chairman or vice-chairman of the Metropolitan Police Authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

26. The proceedings of the Metropolitan Police Authority shall not be invalidated by a vacancy in the membership of the Metropolitan Police Authority or in the office of chairman or vice-chairman or by any defect in the appointment of a person as a member or as chairman or vice-chairman.

Allowances

27.—(1) Subject to paragraphs (2) to (4), the Metropolitan Police Authority may make to its chairman, vice-chairman and other members such payments by way of reimbursement of expenses and allowances as the Metropolitan Police Authority may determine.

(2) No payment shall be made under this paragraph except in accordance with arrangements published by the Metropolitan Police Authority not more than twelve months before the making of the payment.

(3) The Metropolitan Police Authority may from time to time revise any arrangements made for the purposes of this paragraph; but no revisions shall take effect until published by the Metropolitan Police Authority.

(4) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice-chairman or other member or is appointed under regulation 6 or 7.

Members of standards committees

28. Regulation 27 shall have effect as if references to members of the Metropolitan Police Authority included references to persons who are not members of the Metropolitan Police Authority but are members of the Metropolitan Police Authority standards committee; and the power to make different payments according to the recipient shall include power to make different payments to persons who are not members of the Metropolitan Police Authority but are members of the Metropolitan Police Authority standards committee.