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STATUTORY INSTRUMENTS

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**2011 No. 3019 (C. 110)**

**POLICE, ENGLAND AND WALES**

**The Police Reform and Social Responsibility Act 2011  
(Commencement No. 3 and Transitional Provisions) Order 2011**

*Made - - - - 14th December 2011*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 154(5) and 157(1) of the Police Reform and Social Responsibility Act 2011<sup>(1)</sup>.

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011.

(2) In this Order—

- (a) “the 1996 Act” means the Police Act 1996<sup>(2)</sup>;
- (b) “the 2011 Act” means the Police Reform and Social Responsibility Act 2011.

**Provisions coming into force on 15th December 2011**

**2.** The day appointed for the coming into force of the following provisions of the 2011 Act is 15th December 2011—

- (a) section 11(1) and (2);
- (b) section 17(4) to (7), to the extent that those provisions allow the Secretary of State to make a financial code of practice, to revise the code and to lay the code or revision of the code before Parliament;
- (c) section 82(1) and (12).

**Provisions coming into force on 16th January 2012**

**3.** The provisions of the 2011 Act listed in Schedule 1 come into force on 16th January 2012, to the extent set out in that Schedule and subject to articles 4 to 10.

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(1) 2011 c. 13.  
(2) 1996 c. 16.

### **Transitional provisions in relation to the accounts of the Metropolitan Police Authority**

4. Regulations 7 and 8 of the Accounts and Audit (England) Regulations 2011<sup>(3)</sup> shall not apply to the Metropolitan Police Authority in relation to the financial year beginning on 1st April 2011.

### **Transitional provision in relation to complaints against members of the Metropolitan Police Authority**

5.—(1) This article applies in relation to any allegation that a member or co-opted member of the Metropolitan Police Authority has failed, or may have failed, to comply with that authority's code of conduct, if that allegation is being handled by the authority in accordance with Part 3 of the Local Government Act 2000<sup>(4)</sup> immediately before the authority is abolished under section 3(12) of the 2011 Act.

(2) Where the member or co-opted member to whom the allegation relates is also a member of the London Assembly, the allegation shall be referred to the Greater London Authority, and shall be dealt with by that authority as if Part 3 of the Local Government Act 2000 and regulations made under that Part continued to apply to it, modified so that—

- (a) references to the code of conduct of the relevant authority have effect as references to the code of conduct of the Metropolitan Police Authority applicable at the time when the conduct which is the subject matter of the allegation is said to have occurred;
- (b) references to the standards committee of the relevant authority have effect as references to the standards committee of the Greater London Authority; and
- (c) references to the monitoring officer of the relevant authority have effect as references to the monitoring officer of the Greater London Authority.

(3) Where the member or co-opted member to whom the allegation relates is not a member of the London Assembly, the allegation shall be referred to the Mayor's Office for Policing and Crime, and shall be dealt with by that office as if Part 3 of the Local Government Act 2000 and regulations made under that Part continued to apply to it, modified so that—

- (a) references to the code of conduct of the relevant authority have effect as references to the code of conduct of the Metropolitan Police Authority applicable at the time when the conduct which is the subject matter of the allegation is said to have occurred;
- (b) references to the standards committee of the relevant authority have effect as references to the Mayor's Office for Policing and Crime;
- (c) references to the monitoring officer of the relevant authority have effect as references to the chief executive appointed by the Mayor's Office for Policing and Crime under paragraph 2(1) of Schedule 3 to the 2011 Act; and
- (d) in the event of a finding that the member or co-opted member to whom the allegation relates failed to comply with the code of conduct of the Metropolitan Police Authority and that a sanction should be imposed, the only sanction that is available to the Mayor's Office for Policing and Crime is censure.

(4) Anything done or treated as done by or in relation to the Metropolitan Police Authority in respect of the allegation has effect as if done—

- (a) by the Greater London Authority, in a case to which paragraph (2) applies, and
- (b) by the Mayor's Office for Policing and Crime, in a case to which paragraph (3) applies.

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(3) S.I. 2011/817.

(4) 2000 c. 22.

### **Transitional provision in relation to the appointment of the Deputy Mayor for Policing and Crime**

6.—(1) This article applies on the first occasion when the power to appoint a Deputy Mayor for Policing and Crime under section 19(1)(a) is exercised.

(2) Sections 19(12) and 20 of the 2011 Act do not apply to the appointment, if and only if—

- (a) the person that the Mayor’s Office for Policing and Crime proposes to appoint holds the office of chairman of the Metropolitan Police Authority at the time when that authority is abolished under section 3(12) of the 2011 Act; and
- (b) a confirmation hearing was held under Schedule 4A to the Greater London Authority Act 1999<sup>(5)</sup> in relation to the person’s appointment to the office of chairman of the Metropolitan Police Authority.

### **Transitory provision in connection with the civilian staff of the metropolitan police force**

7.—(1) This article applies until there is no longer any person employed as a police civilian member of the staff of the Mayor’s Office for Policing and Crime, within the meaning of paragraph 7(10)(b) of Schedule 15 to the 2011 Act.

(2) Section 102(6) of the 2011 Act has effect as if, before paragraph (a), there was inserted—

“(aa) those members of the staff of the Mayor’s Office for Policing and Crime who are under the direction and control of the Commissioner of Police of the Metropolitan,”.

(3) Where the Commissioner of Police of the Metropolitan—

- (a) appoints a person to be the metropolitan police force’s chief finance officer under paragraph 1(1) of Schedule 4 to the 2011 Act; or
- (b) appoints a person to act as the chief finance officer under paragraph 2(1) of that Schedule,

that person does not become a member of the staff of the Commissioner by virtue of the appointment, but becomes or remains a civilian member of the staff of the Mayor’s Office for Policing and Crime.

### **Transitional and transitory provision and savings in connection with police complaints and misconduct**

8.—(1) This article applies until the coming into force of section 1 of the 2011 Act.

(2) Notwithstanding the coming into force of paragraph 4 of Schedule 14 to the 2011 Act in the metropolitan police district, section 14 of the Police Reform Act 2002<sup>(6)</sup> continues to have effect in that district with the modification that, for the purposes of that section, “police authority” means the Mayor’s Office for Policing and Crime.

(3) Paragraph 40 of Schedule 16 to the 2011 Act has effect as if it read—

“**40.** In section 84(4) (representation etc at disciplinary and other proceedings), for the definition of “relevant authority” substitute—

““relevant authority” means—

- (a) where the officer concerned is a senior officer of a police force maintained under section 2 or the Commissioner of Police of the Metropolitan, the local policing body for the police force of which the officer is a member; and
- (b) in any other case, the chief officer of police of the police force of which the officer is a member or for which the officer is appointed as a special constable;”.

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(5) 1999 c. 29. Schedule 4A was inserted by Schedule 1 to the Greater London Authority Act 2007 (c. 24).

(6) 2002 c. 30.

- (4) Paragraph 291(a) of Schedule 16 to the 2011 Act has effect as if it read—
- “(a) for the definition of “appropriate authority” substitute—
- ““appropriate authority”—
- (a) in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person, means—
- (i) if that person is a senior officer of a police force maintained under section 2 of the Police Act 1996 or the City of London police force, the police authority for the area of the police force of which he is a member;
- (ii) if that person is the Commissioner of Police of the Metropolis or a person exercising powers or duties of the Commissioner in accordance with section 44 or 45(4) of the Police Reform and Social Responsibility Act 2011, the Mayor’s Office for Policing and Crime; and
- (iii) in any other case, the chief officer under whose direction and control the person is; and
- (b) in relation to a death or serious injury matter, means—
- (i) if the relevant officer is a senior officer of a police force maintained under section 2 of the Police Act 1996 or the City of London police force, the police authority for the area of the police force of which he is a member;
- (ii) if the relevant officer is the Commissioner of Police of the Metropolis or a person exercising powers or duties of the Commissioner in accordance with section 44 or 45(4) of the Police Reform and Social Responsibility Act 2011, the Mayor’s Office for Policing and Crime; and
- (iii) in any other case, the chief officer under whose direction and control the person is;””.

### **Savings in connection with powers of the Secretary of State**

- 9.—(1) This article applies until the coming into force of section 1 of the 2011 Act.
- (2) Notwithstanding the coming into force of section 81(b) and (c) of the 2011 Act, sections 39 and 43 of the 1996 Act continue to have effect, in relation to a police authority established under section 3 of that Act.
- (3) Notwithstanding the coming into force of section 82 of the 2011 Act, section 42 of the 1996 Act continues to have effect without the amendments set out in section 82 but with the following modifications—
- (a) each reference to the Metropolitan Police Authority has effect as a reference to the Mayor’s Office for Policing and Crime;
- (b) the reference to section 9E of the 1996 Act in section 42(1)(a) has effect as a reference to section 48 of the 2011 Act.

### **Transitory provision and savings in connection with the continued existence of police authorities established under section 3 of the 1996 Act**

- 10.—(1) This article applies until the coming into force of section 1 of the 2011 Act.
- (2) Section 96 of the 2011 Act has effect as if—
- (a) in subsection (2)(a), which amends section 101(1) of the 1996 Act—

- (i) paragraph (a) of the inserted definition of “elected local policing body” was omitted;
- (ii) paragraph (a) of the inserted definition of “local policing body” read—
  - “(a) a police authority (in relation to a police area listed in Schedule 1);”;
- (b) subsection (2)(c) had the effect of omitting only paragraph (b) of the definition of “police authority” in section 101(1) of the 1996 Act;
- (c) subsection (2)(e) had effect as if it read—
  - “(e) in the definition of “police fund”—
    - (i) in paragraph (a), omit “or the metropolitan police force”;
    - (ii) for paragraph (b) substitute—
      - “(b) in relation to the metropolitan police force, the fund kept by the Mayor’s Office for Policing and Crime under section 21 of the Police Reform and Social Responsibility Act 2011, and”;
- (d) in subsection (3), the reference to the staff of a police and crime commissioner was omitted from the new subsection (3) inserted in section 101 of the 1996 Act.
- (3) Section 102(4) of the 2011 Act has effect as if it read—
  - “(4) References in this Part to a police force’s civilian staff are (except in the case of the metropolitan police force) references to those employees of the police authority who are under the direction and control of the chief officer of police.”.
- (4) Notwithstanding the coming into force of paragraph 7 of Schedule 16 to the 2011 Act, section 6(1) to (3) of the 1996 Act continues to have effect.
- (5) Schedule 2 (which sets out further modifications to some of the provisions of the 2011 Act listed in Schedule 1) has effect.

Home Office  
14th December 2011

*Nick Herbert*  
Minister of State

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SCHEDULE 1

Article 3

The provisions of the 2011 Act coming into force on 16th January 2012 are—

- (a) section 3;
- (b) section 4;
- (c) section 6;
- (d) section 7, with the exception of subsection (6)(a);
- (e) section 8, with the exception of subsections (1), (2) and (7)(a);
- (f) section 9, in the metropolitan police district only;
- (g) section 10, in the metropolitan police district only;
- (h) section 11, in the metropolitan police district only;
- (i) section 12, in the metropolitan police district only;
- (j) section 13, in the metropolitan police district only;
- (k) section 14, in the metropolitan police district only;
- (l) section 15, in the metropolitan police district only;
- (m) section 16, in the metropolitan police district only;
- (n) section 17, to the extent not brought into force by article 2(b), in the metropolitan police district only;
- (o) section 19;
- (p) section 20;
- (q) section 21, in the metropolitan police district only;
- (r) section 23;
- (s) section 24(1), (7) and (9);
- (t) section 25(1), (2), (3), (4)(b) and (5);
- (u) section 27(1) and (2);
- (v) section 32;
- (w) section 33;
- (x) section 34;
- (y) section 35;
- (z) section 36, in the metropolitan police district only;
- (aa) section 37, in the metropolitan police district only;
- (bb) section 42;
- (cc) section 43;
- (dd) section 44;
- (ee) section 45;
- (ff) section 46;
- (gg) section 47;
- (hh) section 48;
- (ii) section 49;
- (jj) section 79(2), in the metropolitan police district only;

- (kk) section 81(b) and (c);
- (ll) section 82, with the exception of subsection (12);
- (mm) section 83, with the exception of subsection (3);
- (nn) section 84;
- (oo) section 85;
- (pp) section 86;
- (qq) section 87;
- (rr) section 88, in so far as necessary for the purposes of paragraph (iii) below;
- (ss) section 89;
- (tt) section 90;
- (uu) section 91;
- (vv) section 92;
- (ww) section 93;
- (xx) section 94;
- (yy) section 95 in so far as necessary for the purposes of paragraph (kkk) below;
- (zz) section 96, in the metropolitan police district only;
- (aaa) section 97, with the exception of subsection (3);
- (bbb) section 98, in so far as necessary for the purposes of paragraph (lll) below;
- (ccc) section 99, in so far as necessary for the purposes of paragraph (mmm) below;
- (ddd) section 100;
- (eee) section 101;
- (fff) section 102(1), (4), (5) and (6);
- (ggg) Schedule 3;
- (hhh) Schedule 4;
- (iii) Schedule 11, with the exception of paragraph 4;
- (jjj) Schedule 12;
- (kkk) Schedule 13;
- (lll) Paragraphs 4, 7 and 8(1), (2) and (3) of Schedule 14, in the metropolitan police district only;
- (mmm) Schedule 15 insofar as not previously commenced, in the metropolitan police district only; and
- (nnn) the following provisions of Schedule 16—
  - (i) paragraphs 1, 6, 7, 13, 14, 16, 18(1) and (2), 22 to 30, 31(1), (3) and (4), 32 to 34, 35(1) and (3), 36(1) and (2), and 37 to 47 of Part 1;
  - (ii) Part 2, with the exception of paragraph 56; and
  - (iii) paragraphs 60 to 73, 79 to 84, 85(1) and (2), 86 to 93, 95 to 100, 102 to 104, 107 to 133, 136 to 142, 145 to 157, 159 to 167, 169 to 174, 176, 177, 179, 180, 182, 186, 188 to 190, 192 to 203, 206(1) and (2), 207 to 211, 217 to 218, 221 to 227, 230 to 233, 234(1) and (2), 235 to 241, 242(1) and (3), 248, 249, 253 to 256, 257(1) and (5), 270 to 290, 291(a) and (b), 292 to 315, 322 to 325, 328 to 335, 340, 344 to 350, 354 to 358, 360 to 368, 370 to 374, 377 to 380, 382 and 383 of Part 3.

## SCHEDULE 2

Article 10(5)

Further modifications having effect until the coming into force of section 1 of the 2011 Act

1. Until the coming into force of section 1 of the 2011 Act, the provisions of that Act listed in Schedule 1 have effect with the following modifications.

2. Section 19(6)(b) has effect as if it read—

“(b) a police authority established under section 3 of the 1996 Act;”.

3. Section 91(4)(a) has the effect of inserting the new paragraph (aa) (and not paragraph (ab)) in section 40B(2) of the 1996 Act after the existing paragraph (a), which remains as before.

4. Section 93(5) has the effect of inserting the new paragraph (aa) (and not paragraph (ab)) in section 53(2) of the 1996 Act after the existing paragraph (a), which remains as before.

5. Section 94(3) has effect as if the substituted section 96A(1A) of the 1996 Act read—

“(1A) The Secretary of State and the police authority that maintains a police force may enter into agreements with respect to the level of performance to be achieved by the police force in respect of any of its national and international functions.”.

6. In Schedule 11—

(a) paragraph 2(8)(b) has the effect of omitting only paragraph (b) of the definition of “police authority” in section 5(5) of the Crime and Disorder Act 1998(7);

(b) paragraph 5(5) has effect as if the new subsection (4)(a) inserted in section 7 of the Crime and Disorder Act 1998 read—

“(a) if the area (or any part of it) falls within a police area listed in Schedule 1 to the 1996 Act, the police authority;”.

7. Notwithstanding the coming into force of paragraph 13 of Schedule 16, section 8A(1) to (6) and (8) of the 1996 Act continues to have effect.

8. Notwithstanding the coming into force of paragraph 16 of Schedule 16, sections 14(1) to (3), 15(1), (2) and (4), 16(1) and 17(1) of the 1996 Act continue to have effect.

9. Paragraph 18(2) of Schedule 16 has the effect of omitting only the words “and to the Metropolitan Police Authority” from section 18(1)(a) of the 1996 Act.

10. In paragraph 23 of Schedule 16—

(a) sub-paragraph (2) has the effect of substituting “section 4 of the Police Reform and Social Responsibility Act 2011” for “section 9A(1)” in section 24(3) of the 1996 Act;

(b) sub-paragraph (3) has effect as if the reference to section 2 of the 2011 Act in the substituted section 24(3A) of the 1996 Act was a reference to section 15(2) of the 1996 Act;

(c) sub-paragraph (5)(b) has effect as if it read—

“(b) after “section 10(1)” insert “of this Act and section 4 of the 2011 Act””.

11. Paragraph 29 of Schedule 16 has effect as if it read—

“29. In section 31, at the end insert—

“(2) The Commissioner of Police of the Metropolis may grant to members of the metropolitan police force rewards for exceptional diligence or other specially meritorious conduct.”,

and accordingly the existing words of the section become subsection (1).”.

(7) 1998 c. 37. Relevant amendments were made by section 97 of the Police Reform Act 2002.



**12.** Paragraph 30(3)(b) of Schedule 16 has the effect of inserting the new paragraph (aa) (and not paragraph (ab)) in section 39A(4) of the 1996 Act after the existing paragraph (a), which remains as before.

**13.** In paragraph 31 of Schedule 16—

(a) sub-paragraph (3) has the effect of omitting the reference to section 9E of the 1996 Act (and not the reference to section 11) from section 42A(1) of that Act;

(b) sub-paragraph (4) has effect as if it read—

“(4) In subsection (2), after paragraph (a) insert—

“(aa) the Mayor’s Office for Policing and Crime;”.

**14.** Paragraph 35(3) of Schedule 16 has the effect of inserting the new paragraph (aa) (and not paragraph (ab)) in section 53A(3) of the 1996 Act after the existing paragraph (a), which remains as before.

**15.** Paragraph 36(2) of Schedule 16 has the effect of inserting the new paragraph (aa) (and not paragraph (ab)) in section 57(4) of the 1996 Act after the existing paragraph (a), which remains as before.

**16.** Paragraph 46 of Schedule 16 has the effect of omitting Schedule 2A from the 1996 Act (and not Schedule 2).

**17.** Paragraph 80 of Schedule 16 has effect as if it read—

“**80.** In section 2 (acquisition and deposit of records), in subsection (6), omit “the Metropolitan Police Authority;”.

**18.** Paragraph 81 of Schedule 16 has effect as if it read—

“**81.** In section 8 (interpretation), in subsection (1), omit “the Metropolitan Police Authority;”.

**19.** Paragraph 84 of Schedule 16 has effect as if it read—

“**84.** In the Local Government Act 1966, in section 11 (grants for certain expenditure due to ethnic minority population), in subsection (2) for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime;”.

**20.** Paragraph 85(2) of Schedule 16 has effect as if it read—

“(2) In subsection (5)(a), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime;”.

**21.** Paragraph 87(3) of Schedule 16 has effect as if the new section 11(9)(a) inserted in the Superannuation (Miscellaneous Provisions) Act 1967 read—

“(a) a police authority established under section 3 of the Police Act 1996;”.

**22.** Paragraph 91 of Schedule 16 has effect as if paragraph (a)(i) of the substituted definition of “civilian officer” in section 57(4) of the Firearms Act 1968 read—

“(i) a person employed by a police authority established under section 3 of the Police Act 1996 who is under the direction and control of a chief officer of police;”.

**23.** Paragraph 93 of Schedule 16 has effect as if it read—

“**93.** In the Local Government Grants (Social Need) Act 1969, in section 1 (provision of grants), in subsection (4), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime;”.

**24.** Paragraph 97(2) of Schedule 16 has effect as if it read—

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- “(2) For “police authority” (in the first place) substitute “local policing body or the Commissioner of Police of the Metropolis”.”.
25. Paragraph 102 of Schedule 16 has effect as if it read—
- “102. In section 98 (interpretation of sections 95 and 97), in subsection (1A) omit “and the Metropolitan Police Authority”.”.
26. Paragraph 103 of Schedule 16 has effect as if it read—
- “103. In section 99 (meetings and proceedings of local authorities), omit “the Metropolitan Police Authority”.”.
27. Paragraph 104 of Schedule 16 has effect as if—
- (a) sub-paragraph (2) omitted paragraph (eza) (and not paragraph (e)) from section 100J(1) of the Local Government Act 1972<sup>(8)</sup>;
  - (b) sub-paragraph (3) omitted the reference to paragraph (eza) (and not the reference to paragraph (e)) from section 100J(3) of that Act;
  - (c) sub-paragraph (4)(b) read—
    - “(b) omit “or the Metropolitan Police Authority”.”.
28. Paragraph 107 of Schedule 16 has effect as if the words “Police and crime commissioners and” were omitted from the new section 120(3A) inserted in the Local Government Act 1972.
29. In paragraph 108 of Schedule 16—
- (a) sub-paragraph (2) has effect as if it read—
    - “(2) In subsection (1)—
      - (a) after “London Fire and Emergency Planning Authority”, insert “and”;
      - (b) omit “and the Metropolitan Police Authority”.”;
    - (b) notwithstanding the coming into force of sub-paragraph (3), section 146A(1A) to (1C) of the Local Government Act 1972 continues to have effect in respect of a police authority established under section 3 of the 1996 Act, but each reference to the Metropolitan Police Authority in the section is omitted.
30. Paragraph 109 of Schedule 16 has effect as if it read—
- “109. In section 223 (appearance of local authorities in legal proceedings), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.
31. Paragraph 110 of Schedule 16 has effect as if it read—
- “110. In section 228 (inspection of documents), omit “or the Metropolitan Police Authority”.”.
32. Paragraph 111 of Schedule 16 has effect as if it read—
- “111. In section 229 (photographic copies of documents), omit “and the Metropolitan Police Authority”.”.
33. Paragraph 112 of Schedule 16 has effect as if it read—
- “112. In section 231 (service of notices on local authorities, etc), in subsection (4), omit “and the Metropolitan Police Authority”.”.
34. Paragraph 113 of Schedule 16 has effect as if it read—

<sup>(8)</sup> 1972 c. 70. Relevant amendments were made by Schedule 7 to the 1996 Act and Schedule 27 to the Greater London Authority Act 1999.

- “**113.** In section 232 (public notices), in subsection (1A), omit “and the Metropolitan Police Authority”.”.
- 35.** Paragraph 114 of Schedule 16 has effect as if it read—
- “**114.** In section 233 (service of notices by local authorities), in subsection (11), omit “and the Metropolitan Police Authority”.”.
- 36.** Paragraph 115 of Schedule 16 has effect as if it read—
- “**115.** In section 234 (authorisation of documents), in subsection (4), omit “and the Metropolitan Police Authority”.”.
- 37.** Paragraph 116 of Schedule 16 has effect as if it read—
- “**116.**—(1) Schedule 12 (meetings and proceedings of local authorities) is amended in accordance with this paragraph.
- (2) In paragraph 6A(1), omit “or the Metropolitan Police Authority”.
- (3) In paragraph 6B(b), omit “and the Metropolitan Police Authority”.
- (4) In paragraph 46, omit “and the Metropolitan Police Authority”.”.
- 38.** Paragraph 118 of Schedule 16 has effect as if it read—
- “**118.** In the Employment Agencies Act 1973, in section 13 (interpretation), for subsection (7)(fa) substitute—
- “(fa) the exercise by the Mayor’s Office for Policing and Crime of any of that Office’s functions;
- (fb) the exercise by the Commissioner of Police of the Metropolis of any of the Commissioner’s functions;”.”.
- 39.** Paragraph 121 of Schedule 16 has the effect of substituting section 25(1)(caa) of the Local Government Act 1974<sup>(9)</sup> (and not section 25(1)(ca)).
- 40.** Paragraph 127 of Schedule 16 has effect as if it read—
- “**127.** In section 44 (interpretation etc of Part 1), in subsection (1), in paragraph (a) of the definition of “local authority” omit “the Metropolitan Police Authority”.”.
- 41.** Paragraph 132(3) of Schedule 16 has effect as if the definition of “police pension authority” inserted in section 11(2) of the Police Pensions Act 1976<sup>(10)</sup> read—
- ““police pension authority” means—
- (a) any police authority established under section 3 of the Police Act 1996;
- (b) the Commissioner of Police of the Metropolis;
- (c) the Common Council of the City of London in its capacity as a police authority; and
- (d) any police authority within the meaning of the Police (Scotland) Act 1967;”.
- 42.** Paragraph 141 of Schedule 16 has the effect of substituting section 99(4)(dcc) of the Local Government, Planning and Land Act 1980<sup>(11)</sup> (and not section 99(4)(dc)).
- 43.** Paragraph 142 of Schedule 16 has the effect of substituting paragraph 5CC of Schedule 16 to the Local Government, Planning and Land Act 1980 (and not paragraph 5C).

<sup>(9)</sup> 1974 c. 7. Relevant amendments were made by Schedule 7 to the 1996 Act and section 394 of the Greater London Authority Act 1999.

<sup>(10)</sup> 1976 c. 35.

<sup>(11)</sup> 1980 c. 65. Relevant amendments were made by Schedule 7 to the 1996 Act and Schedule 27 to the Greater London Authority Act 1999.

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44. Paragraph 156 of Schedule 16 has effect as if it read—
- “156. In section 33 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.
45. Paragraph 157 of Schedule 16 has the effect of substituting section 41(13)(caa) of the Local Government (Miscellaneous Provisions) Act 1982(12) (and not section 41(13)(ca)).
46. Paragraph 159 of Schedule 16 has effect as if it read—
- “159. In the County Courts Act 1984(13), in section 60 (rights of audience), in subsection (3), in the definition of “local authority” for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.
47. Paragraph 163(2) of Schedule 16 has the effect of inserting the new paragraph (aa) (and not paragraph (ab)) in section 67(4) of the Police and Criminal Evidence Act 1984(14) after the existing paragraph (a) (which remains as before).
48. Paragraph 169 of Schedule 16 has effect as if it read—
- “169. In the Housing Act 1985, in section 106 (minor definitions – general), in the definition of “local authority” in subsection (1), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.
49. Paragraph 170 of Schedule 16 has effect as if it read—
- “170. In the Landlord and Tenant Act 1985, in section 38 (minor definitions), in the definition of “local authority”, for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.
50. Paragraph 173 of Schedule 16 has effect as if it read—
- “173. In section 6 (interpretation and application of Part 2), in subsection (2)(a), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.
51. Paragraph 174 of Schedule 16 has effect as if it read—
- “174. In section 9 (interpretation and application of Part 3), in subsection (1)(a), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.
52. Paragraph 176 of Schedule 16 has effect as if it read—
- “176. In the Landlord and Tenant Act 1987, in section 58 (exempt landlords and resident landlords), in subsection (1)(a), after “Police Act 1996,” insert “the Mayor’s Office for Policing and Crime,”.”.
53. Paragraph 179 of Schedule 16 has effect as if it read—
- “179. In the Local Government Act 1988, in Schedule 2 (public supply or works contracts: the public authorities), omit “The Metropolitan Police Authority”.”.
54. Paragraph 186 of Schedule 16 has effect as if it read—
- “186. In section 111 (interpretation)—
- (a) in subsection (2), after paragraph (e) insert—

(12) 1982 c. 30. Relevant amendments were made by Schedule 7 to the 1996 Act and Schedule 27 to the Greater London Authority Act 1999.

(13) 1984 c. 28. Relevant amendments were made by Schedule 4 to the Police and Magistrates’ Courts Act 1994 (c. 29), Schedule 7 to the 1996 Act and Schedule 27 to the Greater London Authority Act 1999.

(14) 1984 c. 60. Relevant amendments were made by section 11 of the Criminal Justice Act 2003 (c. 44) and Schedule 4 to the Police and Justice Act 2006 (c. 48).

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- “(ea) the Commissioner of Police of the Metropolis,”;
- (b) in subsection (3), at the end insert “and the 2011 Act is the Police Reform and Social Responsibility Act 2011”.”.
- 55.** Paragraph 202(2) of Schedule 16 has effect as if it read—
- “(2) In subsection (1), in the words after paragraph (b), omit “or the Metropolitan Police Authority”.”.
- 56.** Paragraph 209 of Schedule 16 has effect as if it read—
- “**209.** In section 252 (procedure for making orders), in subsection (12), in the definition of “local authority”, for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.
- 57.** Paragraph 227 of Schedule 16 has effect as if—
- (a) sub-paragraph (2) read—
- “(2) In subsection (1), after “the Police Act 1996” insert “, the Mayor’s Office for Policing and Crime or the Commissioner of Police of the Metropolis”.”;
- (b) sub-paragraph (3) read—
- “(3) In subsection (2)—
- (a) in paragraph (a)—
- (i) after “the Police Act 1996” insert “or the Mayor’s Office for Policing and Crime”;
- (ii) after “an authority” insert “or to that Office”;
- (b) after paragraph (a) insert—
- “(aa) relates to the Commissioner of Police of the Metropolis and has been sent (or a copy of which has been sent) by the Commission to him.”.”;
- (c) sub-paragraph (4) had the effect of omitting section 32(3) of the Audit Commission Act 1998(**15**) (and not substituting a new subsection).
- 58.** Paragraph 230 of Schedule 16 has the effect of inserting the new sub-paragraph (kb) (but not sub-paragraph (ka)) in paragraph 1 of Schedule 2 to the Audit Commission Act after the existing sub-paragraph (k) (which remains as before).
- 59.** Paragraph 242(3) of Schedule 16 has the effect of omitting section 1(4)(c) of the Local Government Act 1999(**16**) (and not the remainder of section 1(4)).
- 60.** Paragraph 248 of Schedule 16 has the effect of inserting the new paragraph (aa) in section 71(4) of the Criminal Justice and Court Services Act 2000(**17**) after the existing paragraph (a) (which remains as before).
- 61.** Paragraph 249 of Schedule 16 has the effect of substituting paragraph 58 in Schedule 1 to the Freedom of Information Act 2000(**18**) (and not paragraph 57).
- 62.** Paragraph 257(5) of Schedule 16 has the effect of omitting paragraph (h) of section 49(6) of the Local Government Act 2000(**19**) (and not paragraph (m)).

(15) 1998 c. 18. Relevant amendments were made by Schedule 8 to the Greater London Authority Act 1999, Schedule 7 to the Criminal Justice and Police Act 2001 (c. 16) and Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15).

(16) 1999 c. 27. Relevant amendments were made by section 4 of the Police and Justice Act 2006 (c. 4) and Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c. 28).

(17) 2000 c. 43. Relevant amendments were made by section 123 of the Serious Organised Crime and Police Act 2005.

(18) 2000 c. 36.

(19) 2000 c. 22.

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**63.** Paragraph 271(b) of Schedule 16 has effect as if it read—

“(b) in subsection (4)—

(i) in paragraph (c), omit “and”;

(ii) after paragraph (c) insert—

“(ca) the Mayor’s Office for Policing and Crime; and”.”.

**64.** Paragraph 276 of Schedule 16 has effect as if it read—

“**276.** In section 38 (unified power for Secretary of State to fund speed cameras etc), in subsection (5)(b), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.

**65.** Paragraph 287(3) of Schedule 16 has the effect of inserting the new paragraph (aa) (but not paragraph (ab)) in section 22(3) of the Police Reform Act 2002 after the existing paragraph (a) (which remains as before).

**66.** Paragraph 289 of Schedule 16 has the effect of inserting the new paragraph (ba) (but not paragraph (bb)) in section 24 of the Police Reform Act 2002 after the existing paragraph (b) (which remains as before).

**67.** Paragraph 293 of Schedule 16 has the effect of inserting the new paragraph (ab) (but not paragraph (ac)) in section 38A(3) of the Police Reform Act 2002 after the existing paragraph (a) (which remains as before).

**68.** Paragraph 294(3) of Schedule 16 has the effect of inserting the new paragraph (aa) (but not paragraph (ab)) in section 39(11) of the Police Reform Act 2002 after the existing paragraph (a) (which remains as before).

**69.** Paragraph 297 of Schedule 16 has the effect of inserting the new paragraph (ca) (but not paragraph (cb)) in section 43(9) of the Police Reform Act 2002 after the existing paragraph (c) (which remains as before).

**70.** Paragraph 298 of Schedule 16 has the effect of inserting the new paragraph (ca) (but not paragraph (cb)) in section 45(3) of the Police Reform Act 2002 after the existing paragraph (c) (which remains as before).

**71.** Paragraph 299(7) of Schedule 16 has the effect of inserting the new paragraph (aa) (but not paragraph (ab)) in section 51(7) of the Police Reform Act 2002 after the existing paragraph (a) (which remains as before).

**72.** Paragraph 311 of Schedule 16 has effect as if it read—

“**311.** In section 8 (local justice areas), in subsection (7)(c), for “Metropolitan Police Authority” substitute “the Mayor’s Office for Policing and Crime”.”.

**73.** Paragraph 312 of Schedule 16 has effect as if it read—

“**312.** In section 41 (disqualification of lay justices who are members of local authorities), in subsection 6(c), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.”.

**74.** Paragraph 315 of Schedule 16 has effect as if it read—

“**315.** In the Licensing Act 2003, in section 170 (exemption of police from liability for damages, in subsection (4A), for “police authority” substitute “local policing body”.”.

75. Paragraph 328 of Schedule 16 has the effect of inserting the new sub-paragraph (ca) (but not sub-paragraph (cb)) in paragraph 7(2) of Schedule 4 to the Railways and Transport Safety Act 2003<sup>(20)</sup> after the existing sub-paragraph (c) (which remains as before).

76. Paragraph 335 of Schedule 16 has the effect of substituting sub-paragraph (d) (and not sub-paragraph (c)) in paragraph 2(1) of Schedule 14 to the Housing Act 2004<sup>(21)</sup>.

77. Paragraph 340 of Schedule 16 has effect as if it read—

“**340.** In the Drugs Act 2005, in section 19 (interpretation), in subsection (7)—

(a) after “Police Act 1996” insert “or by the Mayor’s Office for Policing and Crime under Part 1 of the Police Reform Act 2011;

(b) after “that authority” insert “or Office”.”.

78. In paragraph 360 of Schedule 16—

(a) sub-paragraph (2)(b) has the effect of inserting the new paragraph (ba) (but not paragraph (bb)) in paragraph 5(7) of Schedule 1 to the Police and Justice Act 2006<sup>(22)</sup> after the existing paragraph (b) (which remains as before).

(b) sub-paragraph (3) has effect as if it read—

“(3) In paragraph 6 (strategic priorities), after sub-paragraph (2)(a) insert—

“(aa) the Mayor’s Office for Policing and Crime,”.”.

(c) sub-paragraph (4) has effect as if it read—

“(4) In paragraph 7 (chairman and other members), before sub-paragraph (2)(a) insert—

“(za) the Mayor’s Office for Policing and Crime,”.”.

(d) sub-paragraph (8) has effect as if it read—

“(8) In paragraph 48 (power to modify objects, functions and strategy of the Agency), after sub-paragraph (10)(a) insert—

“(aa) the Mayor’s Office for Policing and Crime,”.”.

79. Paragraph 370 has effect as if it read—

“**370.** In the Serious Crime Act 2007<sup>(23)</sup>, in section 39 (compliance with orders: authorised monitors), in subsection (10), in the definition of “law enforcement agency”, before paragraph (a) insert—

“(za) the Commissioner of Police of the Metropolis;”.”.

80. Paragraph 382(b) has effect as if it read—

“(b) in subsection (8), after paragraph (d) insert—

“(e) the Police Reform and Social Responsibility Act 2011.”.”.

81. Paragraph 383 has effect as if it read—

“**383.** In Schedule 19 (public authorities), in Part 1, under the heading “Police”, for “The Metropolitan Police Authority established under section 5B of the Police Act 1996” substitute “The Mayor’s Office for Policing and Crime established under section 3 of the Police Reform and Social Responsibility Act 2011”.”.

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(20) 2003 c. 20.

(21) 2004 c. 34.

(22) 2006 c. 48.

(23) 2007 c. 27.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order brings the following provisions of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) into force (in part) on 15th December 2011: section 11, section 17 and section 82.

Article 3 and Schedule 1 bring numerous further provisions of Part 1 of the Act into force on 16th January 2012. These provisions include those with the effect of replacing the Metropolitan Police Authority with the Mayor’s Office for Policing and Crime as the body responsible for securing the maintenance of the metropolitan police force and holding the Commissioner of Police of the Metropolis to account.

Articles 4 to 8 make transitional and transitory provision in respect of various matters arising from the abolition of the Metropolitan Police Authority and the creation of the Mayor’s Office for Policing and Crime.

The provisions of the 2011 Act brought into force on 16th January 2012 also include those making changes to the functions of the Secretary of State in relation to policing (sections 81 and 82), to the functions of Her Majesty’s Inspectors of Constabulary (sections 83 to 87), and to the arrangements for the making of police collaboration agreements (sections 89 and 90 and Schedules 12 and 13). Article 9 makes various savings in relation to the functions of the Secretary of State.

This Order does not bring into force section 1 of the 2011 Act, which provides for the replacement of police authorities for police areas outside London with police and crime commissioners (section 50(2) of the 2011 Act provides for the first ordinary election of police and crime commissioners will be held on 15 November 2012). Accordingly, article 10 and Schedule 2 make extensive transitional and transitory provision and savings in relation to those provisions of the 2011 Act that apply to the Mayor’s Office for Policing and Crime and to police and crime commissioners, with the purpose of preserving the powers and duties of police authorities until section 1 comes into force.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Police Reform and Social Responsibility Act 2011 have been brought into force by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 31	31st October 2011	<a href="#">2011/2515</a>
Section 78	15th November 2011	<a href="#">2011/2515</a>
Section 79 (partially)	31st October 2011	<a href="#">2011/2515</a>
Section 80	15th November 2011	<a href="#">2011/2515</a>
Section 95	15th November 2011	<a href="#">2011/2515</a>
Section 98 (partially)	31st October 2011	<a href="#">2011/2515</a>
Section 141 (partially)	19th December 2011	<a href="#">2011/2834</a>



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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	30th March 2012	<a href="#">2011/2834</a>
Section 142	19th December 2011	<a href="#">2011/2834</a>
Section 143	19th December 2011	<a href="#">2011/2834</a>
Section 144	19th December 2011	<a href="#">2011/2834</a>
Section 145	19th December 2011	<a href="#">2011/2834</a>
Section 146	19th December 2011	<a href="#">2011/2834</a>
Section 147	19th December 2011	<a href="#">2011/2834</a>
Section 148	19th December 2011	<a href="#">2011/2834</a>
Section 149	19th December 2011	<a href="#">2011/2834</a>
Section 150 (partially)	19th December 2011	<a href="#">2011/2834</a>
Section 151	15th November 2011	<a href="#">2011/2515</a>
Section 152	15th November 2011	<a href="#">2011/2515</a>
Schedule 7	31st October 2011	<a href="#">2011/2515</a>
Schedule 14 (partially)	15th November 2011	<a href="#">2011/2515</a>
Schedule 15 (partially)	31st October 2011	<a href="#">2011/2515</a>
Schedule 17	15th November 2011	<a href="#">2011/2515</a>

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