

# GREATER LONDON AUTHORITY ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part Vi: Police and Probation Services

##### *Section 325 and Schedule 27: Further amendments relating to metropolitan police etc*

492. *Section 325* introduces *Schedule 27* which contains many amendments to existing legislation to reflect provisions in this Act. A few of the more significant changes which are not discussed elsewhere in this part of the explanatory notes are mentioned here.
493. *Paragraph 74* of *Schedule 27* provides that the MPA will be the employer of civilian staff of the metropolitan police force (although the majority of such staff will remain under the direction and control of the Commissioner). At present, they are employed under the Commissioner or Receiver for the Metropolitan Police District. *Paragraph 20* ensures that these employees retain their pension entitlements under the Metropolitan Civil Staffs Superannuation Scheme when they transfer. *Paragraph 75* requires the MPA to appoint a person to be its clerk. *Paragraph 76* sets out the discretion the MPA will have when choosing what person to appoint to a particular office or to take on specified duties, as required by other legislation (namely, that such a person may or may not already be employed by the MPA). *Paragraph 77* provides that provisions in the Local Authorities (Goods and Services) Act 1970 on the supply of local goods and services by local authorities will apply to the MPA in the same way as to police authorities outside London. *Paragraph 78* provides for the holding of meetings by the London Assembly to put questions to a representative (or representatives) of the MPA on the discharge of the MPA's functions.
494. Provisions on the remuneration of the Commissioner and Assistant Commissioners contained in section 1 of the Metropolitan Police Act 1899 are repealed by *Schedule 27* and will in future be covered by regulations made under section 50 of the 1996 Act.
495. *Schedule 27* places the Commissioner under the same requirement to provide to the MPA an annual general report on policing as other chief officers of police are to provide such a report to their police authority. Constables who are members of the metropolitan police force will give their attestation to a justice of the peace in the same way as constables of other forces, rather than by giving it to the Commissioner or an Assistant Commissioner as they do at the moment. The same arrangements set out in section 96 of the 1996 Act for obtaining the views of the community on policing matters and for obtaining their co-operation in preventing crime are applied to the MPD as to police areas outside London.
496. The Schedule also provides that the MPA is the appropriate authority for dealing with complaints against senior officers in its area rather than, as at present, the Commissioner. Where the complaint is against the Commissioner or Deputy Commissioner, the Secretary of State rather than the MPA appoints the person to investigate that complaint. The present requirement that the investigating officer must not be of a lower rank than the officer against whom the complaint has been made is

disapplied because both the Commissioner and Deputy Commissioner are regarded as higher in rank than a Chief Constable.

497. Provision is made in respect of the national and international functions of the metropolitan police force. The Commissioner will be accountable to the MPA in respect of all of the activities of the force, including any of its national or international functions which take place outside, or relate to matters outside, the MPD. However, the Home Secretary will retain a continuing responsibility for these functions. *Paragraph 104* of Schedule 27 therefore provides that the Secretary of State and the MPA may make an agreement on the level of performance that the metropolitan police force will achieve in respect of these functions, for example the protection of prominent persons, national security and counter-terrorism. The Secretary of State has power to give directions to the MPA if he considers that the level of performance set out in the MPA is not being met or, in the absence of an agreement, if he considers that the level of performance is not satisfactory. The MPA will be under a duty to comply with any such direction.