

# **POLICE REFORM ACT 2002**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### **Part 6: Miscellaneous**

#### ***Section 84: Delegation of functions in relation to senior appointments***

409. The Secretary of State has a statutory responsibility to approve every appointment made by a police authority of officers from the rank of assistant chief constable upwards, together with the equivalent ranks in the Metropolitan Police, by virtue of sections 9F, 9FA, 9G, 11, 11A and 12 of 1996 Act. Section 12A of the 1996 Act also requires the Secretary of State to approve an officer acting as a chief constable for more than 3 months. In both cases, his approval power has always been exercised on the basis of professional advice.
410. New arrangements for considering the approval of these posts were set up in spring 2001. These arrangements were designed to make the approval process more transparent. A Senior Appointments Panel, chaired by HM Chief Inspector of Constabulary (HMCIC), which includes representatives from the Association of Police Authorities, the Association of Chief Police Officers and the Home Office, together with an independent member, now looks at all cases.
411. As part of the new arrangements, it was decided that the Panel should be able to exercise the Secretary of State's power of approval in routine cases. A change to the primary legislation is needed to allow this to happen. This section introduces provision allowing the Secretary of State to delegate his approval. Since the Panel is not a statutory body, the approval powers are being delegated to HMCIC. In practice, HMCIC will act in agreement with the Panel.
412. The section similarly confers powers to delegate powers of approval of an officer acting as a chief constable for more than 3 months to HMCIC.