



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 5

##### POLICE FORCES IN AREAS WITH ELECTED LOCAL POLICING BODIES

##### *The metropolitan police force*

#### **42 Appointment of Commissioner of Police of the Metropolis**

- (1) The Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.
- (2) A constable holds office as the Commissioner of Police of the Metropolis at Her Majesty's pleasure.
- (3) The Secretary of State may not recommend to Her Majesty that She appoint a person as the Commissioner of Police of the Metropolis unless that person is, or has been, a constable in any part of the United Kingdom; and, before making such a recommendation, the Secretary of State must have regard to any recommendations made by the Mayor's Office for Policing and Crime.
- (4) The appointment of the Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

**43 Deputy Commissioner of Police of the Metropolis**

- (1) The Metropolitan Police force has one Deputy Commissioner of Police of the Metropolis.
- (2) The Deputy Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.
- (3) A person holds office as the Deputy Commissioner of Police of the Metropolis at Her Majesty's pleasure.
- (4) Before recommending to Her Majesty that She appoint a person as the Deputy Commissioner of Police of the Metropolis, the Secretary of State must have regard to—
  - (a) any recommendations made by the Commissioner of Police of the Metropolis, and
  - (b) any representations made by the Mayor's Office for Policing and Crime.
- (5) The appointment of the Deputy Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

**44 Functions of Deputy Commissioner of Police of the Metropolis**

- (1) The Deputy Commissioner of Police of the Metropolis may exercise any or all of the powers and duties of the Commissioner of Police of the Metropolis—
  - (a) during any absence, incapacity or suspension from duty of the Commissioner,
  - (b) during any vacancy in the office of Commissioner, or
  - (c) at any other time, with the consent of the Commissioner.
- (2) The Deputy Commissioner of Police of the Metropolis does not have power to act by virtue of subsection (1)(a) or (b) for a continuous period exceeding three months, except with the consent of the Secretary of State.
- (3) The Deputy Commissioner of Police of the Metropolis has all the powers and duties of an Assistant Commissioner of Police of the Metropolis.

**45 Assistant Commissioners of Police of the Metropolis**

- (1) The metropolitan police force must have one or more Assistant Commissioners of Police of the Metropolis.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as an Assistant Commissioner of Police of the Metropolis.
- (3) The appointment of a person as an Assistant Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.
- (4) An Assistant Commissioner of Police of the Metropolis may exercise any of the powers and duties of the Commissioner of Police of the Metropolis with the consent of the Commissioner of Police of the Metropolis.
- (5) Subsection (4) is without prejudice to regulations under section 50 of the Police Act 1996.

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

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- (6) In a case where an Assistant Commissioner of Police of the Metropolis is acting in place of the Commissioner of Police of the Metropolis—
- (a) section 48 applies in relation to the Assistant Commissioner as it applies to the Commissioner (and references to the Commissioner in that section, and in other enactments relating to that section, are to be read accordingly); and
  - (b) section 49 does not apply in relation to the Assistant Commissioner.
- (7) For the purposes of subsection (6), an Assistant Commissioner is to be taken to be acting in place of the Commissioner at a particular time if—
- (a) the Assistant Commissioner is, at that time, authorised by subsection (4) to exercise powers and duties of the Commissioner, and
  - (b) that time falls during—
    - (i) any absence, incapacity or suspension from office of the Commissioner, or
    - (ii) any vacancy in the office of Commissioner.

#### **46 Deputy Assistant Commissioners of Police of the Metropolis**

- (1) The metropolitan police force must have one or more Deputy Assistant Commissioners of Police of the Metropolis.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as a Deputy Assistant Commissioner of Police of the Metropolis.
- (3) The appointment of a person as a Deputy Assistant Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

#### **47 Commanders**

- (1) The metropolitan police force must have one or more Commanders.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as a Commander.
- (3) The appointment of a person as a Commander is subject to regulations under section 50 of the Police Act 1996.

#### **48 Suspension and removal of Commissioner and Deputy Commissioner**

- (1) The Mayor's Office for Policing and Crime may, with the approval of the Secretary of State—
  - (a) suspend the Commissioner of Police of the Metropolis from duty, or
  - (b) suspend the Deputy Commissioner of Police of the Metropolis from duty.
- (2) If the Mayor's Office for Policing and Crime suspends the Commissioner, or Deputy Commissioner, from duty, that Office must notify the Secretary of State of the suspension.
- (3) The Mayor's Office for Policing and Crime may, subject to subsections (5) and (6), and with the approval of the Secretary of State—
  - (a) call upon the Commissioner of Police of the Metropolis to resign or retire, or

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- (b) call upon the Deputy Commissioner of Police of the Metropolis to resign or retire.
- (4) The Commissioner, or Deputy Commissioner, must resign or retire if called upon to do so in accordance with subsection (3).
- (5) Before calling upon the Commissioner, or Deputy Commissioner, to retire or resign, the Mayor’s Office for Policing and Crime must—
  - (a) give the police officer a written explanation of the reasons why the Office is proposing to call for the retirement or resignation;
  - (b) give the police officer the opportunity to make written representations about the proposal to call for the police officer’s resignation or retirement; and
  - (c) consider any written representations made by the police officer.
- (6) The Mayor’s Office for Policing and Crime must comply with subsection (5) before seeking the approval of the Secretary of State to call upon the Commissioner, or Deputy Commissioner, to retire or resign.
- (7) This section is subject to regulations under section 50 of the Police Act 1996.
- (8) This section is without prejudice to—
  - (a) section 42(2);
  - (b) section 43(3); or
  - (c) regulations under the Police Pensions Act 1976.

#### **49 Suspension and removal of other senior metropolitan police officers**

- (1) The Commissioner of Police of the Metropolis may suspend a senior metropolitan police officer from duty.
- (2) If the Commissioner suspends a senior metropolitan police officer from duty, the Commissioner must notify the Mayor’s Office for Policing and Crime of the suspension.
- (3) The Commissioner of Police of the Metropolis may, subject to subsection (5), and after consulting the Mayor’s Office for Policing and Crime, call upon a senior metropolitan police officer to resign or retire.
- (4) A senior metropolitan police officer must resign or retire if called upon to do so in accordance with subsection (3).
- (5) Before calling upon a senior metropolitan police officer to retire or resign, the Commissioner of Police of the Metropolis must—
  - (a) give the police officer a written explanation of the reasons why the Commissioner is proposing to call for the retirement or resignation;
  - (b) give the police officer the opportunity to make written representations about the proposal to call for the police officer’s resignation or retirement; and
  - (c) consider any written representations made by the police officer.
- (6) This section is subject to regulations under section 50 of the Police Act 1996.
- (7) This section is without prejudice to regulations under the Police Pensions Act 1976.
- (8) In this section “senior metropolitan police officer” means any of the following—
  - (a) an Assistant Commissioner of Police of the Metropolis;

- (b) a Deputy Assistant Commissioner of Police of the Metropolis;
- (c) a Commander.