



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 6

POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

Vacancy or incapacity

62 Appointment of acting commissioner

- (1) The police and crime panel for a police area must appoint a person to act as police and crime commissioner for that area (the “acting commissioner”) if—
 - (a) no person holds the office of police and crime commissioner for that area,
 - (b) the police and crime commissioner for that area is incapacitated, or
 - (c) the police and crime commissioner for that area is suspended in accordance with section 30.
- (2) The police and crime panel may appoint a person as acting commissioner only if the person is a member of the police and crime commissioner’s staff at the time of the appointment.
- (3) In appointing a person as acting commissioner in a case where the police and crime commissioner is incapacitated, the police and crime panel must have regard to any representations made by the commissioner in relation to the appointment.
- (4) All the functions of a police and crime commissioner are exercisable by an acting commissioner, apart from issuing or varying a police and crime plan under section 5.

- (5) Any property or rights vested in the police and crime commissioner may be dealt with by the acting commissioner as if vested in the acting commissioner.
- (6) The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events—
- (a) the election of a person as police and crime commissioner;
 - (b) the termination by the police and crime panel, or by the acting commissioner, of the appointment of the acting commissioner;
 - (c) in a case where the acting commissioner is appointed because the police and crime commissioner is incapacitated, the commissioner ceasing to be incapacitated;
 - (d) in a case where the acting commissioner is appointed because the police and crime commissioner is suspended, the commissioner ceasing to be suspended.
- (7) In a case where—
- (a) the acting commissioner is appointed because the police and crime commissioner is incapacitated or suspended, and
 - (b) a vacancy subsequently occurs in the office of police and crime commissioner, the occurrence of that vacancy does not affect the appointment of the acting commissioner (and accordingly subsection (6)(c) or (d) does not apply).
- (8) For the purposes of this section—
- (a) a police and crime commissioner is incapacitated if the commissioner is unable to exercise the functions of commissioner, except where the commissioner is unable to exercise those functions only because the commissioner has yet to give a declaration of office under section 70; and
 - (b) it is for the police and crime panel for a police area to determine whether or not the police and crime commissioner for that area is incapacitated.
- (9) Subject to subsection (4), a reference in any enactment to a police and crime commissioner includes a reference to an acting commissioner.

63 Vacancy where acting commissioner acts for 6 months

- (1) Subsection (2) applies where—
- (a) an acting commissioner is appointed under section 62 to act for the police and crime commissioner for a police area because the police and crime commissioner is incapacitated, and
 - (b) the police and crime commissioner does not cease to be incapacitated during the period of 6 months beginning with the day on which the acting commissioner is appointed.
- (2) At the end of that 6 month period—
- (a) the police and crime commissioner ceases to be police and crime commissioner, and
 - (b) accordingly, the office of police and crime commissioner for that police area becomes vacant.