

SCHEDULES

SCHEDULE 1

Section 1

POLICE AND CRIME COMMISSIONERS

Introduction

- 1 This Schedule applies in relation to the police and crime commissioners established under section 1.

Salary etc

- 2 (1) A police and crime commissioner is to be paid a salary.
(2) The Secretary of State is to determine the amount of a commissioner's salary.
(3) The Secretary of State may determine that different salaries are to be payable to the police and crime commissioners for different police areas.
- 3 (1) A police and crime commissioner is to be paid authorised allowances.
(2) In this paragraph "authorised allowances" means allowances, in respect of expenses incurred by a commissioner in the exercise of the commissioner's functions, which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.
(3) A determination under this paragraph may make different provision for different cases.
- 4 (1) A police and crime commissioner must make authorised pension payments.
(2) In this paragraph "authorised pension payments" means—
(a) pensions to, or in respect of, persons who have been commissioner, and
(b) amounts for or towards provision of pensions to, or in respect of, persons who have been commissioner,
which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.
- 5 (1) Payments under paragraphs 2 and 3 are to be made by the police and crime commissioner concerned.
(2) The Secretary of State must publish every determination under any of paragraphs 2 to 4.

Staff

- 6 (1) A police and crime commissioner must appoint—
(a) a person to be the head of the commissioner's staff (referred to in this Part as the commissioner's chief executive); and

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- (b) a person to be responsible for the proper administration of the commissioner’s financial affairs (referred to in this Part as the commissioner’s chief finance officer).
- (2) A police and crime commissioner must comply with paragraphs 9 to 12 in appointing the commissioner’s chief executive or the commissioner’s chief finance officer.
- (3) A police and crime commissioner may appoint such other staff as the commissioner thinks appropriate to enable the commissioner to exercise the functions of commissioner.
- (4) Section 113 of the Local Government Finance Act 1988 applies to the chief finance officer of a police and crime commissioner as it applies to the persons having responsibility for the administration of financial affairs mentioned in that section.
- 7 (1) A police and crime commissioner must appoint a person to act as chief executive, or a chief finance officer, if and for as long as—
 - (a) that post is vacant, or
 - (b) the holder of that post is, in the commissioner’s opinion, unable to carry out the duties of that post.
- (2) A person may not be appointed under sub-paragraph (1) to act as chief finance officer unless the person is qualified to be appointed to the post under paragraph 6.
- (3) A reference in any enactment to the chief executive, or chief finance officer, of a police and crime commissioner includes a reference to a person acting as chief executive, or chief finance officer, in accordance with sub-paragraph (1).

The deputy police and crime commissioner

- 8 (1) This paragraph applies to a person appointed under section 18 by a police and crime commissioner to be the deputy police and crime commissioner.
- (2) None of the following may be appointed as the deputy police and crime commissioner—
 - (a) a person who has not attained the age of 18 on the day of the appointment;
 - (b) a person who is subject to a relevant disqualification;
 - (c) a Member of the House of Commons;
 - (d) a member of the European Parliament;
 - (e) a member of the National Assembly for Wales;
 - (f) a member of the Scottish Parliament;
 - (g) a member of the Northern Ireland Assembly.
- (3) The terms and conditions of a person who is appointed as the deputy police and crime commissioner must provide for the appointment to end not later than the day when the current term of office of the appointing police and crime commissioner ends.
- (4) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the deputy police and crime commissioner.
- (5) In this paragraph “current term of office”, in relation to the appointment of a deputy police and crime commissioner by a police and crime commissioner, means the commissioner’s term of office which is running at the time the appointment is made.

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- (6) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under—
- (a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or
 - (b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

Scrutiny of senior appointments

- 9 (1) A police and crime commissioner must notify the relevant police and crime panel of each proposed appointment by the commissioner of—
- (a) the commissioner’s chief executive,
 - (b) the commissioner’s chief finance officer, or
 - (c) a deputy police and crime commissioner.
- (2) In a case where the police and crime commissioner notifies the relevant police and crime panel of such an appointment (“a proposed senior appointment”), the commissioner must also notify the panel of the following information—
- (a) the name of the person whom the commissioner is proposing to appoint (“the candidate”);
 - (b) the criteria used to assess the suitability of the candidate for the appointment;
 - (c) why the candidate satisfies those criteria; and
 - (d) the terms and conditions on which the candidate is to be appointed.
- 10 (1) This paragraph applies if a police and crime panel is notified under paragraph 9 of a proposed senior appointment.
- (2) The panel must review the proposed senior appointment.
 - (3) The panel must make a report to the commissioner on the proposed senior appointment.
 - (4) The report must include a recommendation to the police and crime commissioner as to whether or not the candidate should be appointed.
 - (5) The panel must comply with sub-paragraphs (2) to (4), within the period of three weeks beginning with the day on which the panel receives the notification from the commissioner of the proposed senior appointment.
 - (6) The panel must publish the report to the commissioner made under this paragraph.
 - (7) It is for the panel to determine the manner in which the recommendation is to be published in accordance with sub-paragraph (6).
 - (8) In calculating the period of three weeks for the purpose of sub-paragraph (5), any relevant post-election period is to be ignored.
 - (9) For that purpose, “relevant post-election period” means the period that—
 - (a) begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50, and
 - (b) ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance of office under section 70.

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- 11 (1) A police and crime panel must hold a confirmation hearing before making a report and recommendation under paragraph 10 to the police and crime commissioner in relation to a proposed senior appointment.
- (2) For the purposes of this Schedule a “confirmation hearing” is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.
- (3) References in this Schedule to a person appearing at a meeting of the panel are references to the person—
- (a) attending the meeting in person, or
 - (b) not attending the meeting in person, but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.
- 12 (1) The police and crime commissioner may accept or reject the panel’s recommendation under paragraph 10 as to whether or not the candidate should be appointed.
- (2) The police and crime commissioner must notify the panel of the decision whether to accept or reject the recommendation.

Remuneration etc of staff

- 13 (1) A police and crime commissioner may pay remuneration, allowances and gratuities to the members of the commissioner’s staff.
- (2) A police and crime commissioner may pay—
- (a) pensions to, or in respect of, persons who have been members of the commissioner’s staff, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the commissioner’s staff.
- (3) In this paragraph “allowances”, in relation to a member of a commissioner’s staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Incidental powers

- 14 (1) A police and crime commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner.
- (2) That includes—
- (a) entering into contracts and other agreements (whether legally binding or not);
 - (b) acquiring and disposing of property (including land);
 - (c) borrowing money.
- (3) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of police and crime commissioners.

Protection from personal liability

- 15 (1) A person who is a police and crime commissioner has no personal liability for an act or omission done by the person in the exercise of the commissioner’s functions unless it is shown to have been done otherwise than in good faith.
- (2) A person who is a member of staff of a police and crime commissioner has no personal liability for an act or omission done by the person in the carrying out of duties as a member of staff unless it is shown to have been done otherwise than in good faith.

Financial year

- 16 (1) The first financial year of a police and crime commissioner is the period that—
- (a) begins with the day on which the first election of the commissioner is held, and
 - (b) ends with the following 31 March.
- (2) After that, a commissioner’s financial year is the period of 12 months ending with 31 March.

SCHEDULE 2

Section 2

CHIEF CONSTABLES

Introduction

- 1 This Schedule applies to the chief constables established under section 2.

Status, name etc

- 2 A chief constable is a corporation sole.
- 3 The name of the chief constable for a police force is “the Chief Constable of” with the addition of the name of the police force.

Civilian staff

- 4 (1) The chief constable of a police force must appoint a person to be responsible for the proper administration of the police force’s financial affairs (referred to in this Part as the police force’s chief finance officer).
- (2) The chief constable of a police force may appoint such other staff as the chief constable thinks appropriate—
- (a) to enable the chief constable to exercise the chief constable’s functions, or
 - (b) otherwise to assist the relevant police force.
- (3) Section 113 of the Local Government Finance Act 1988 applies to the chief finance officer of a chief constable as it applies to the persons having responsibility for the administration of financial affairs mentioned in that section.
- 5 (1) A chief constable must appoint a qualified person to act as chief finance officer, if and for as long as—

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- (a) that post is vacant, or
 - (b) the holder of that post is, in the chief constable's opinion, unable to carry out the duties of that post.
- (2) For the purposes of sub-paragraph (1) a person is qualified to be appointed to act as chief finance officer if that person is qualified to be appointed to the post under paragraph 4.
- (3) A reference in any enactment to the police force's chief finance officer includes a reference to a person acting as chief finance officer in accordance with sub-paragraph (1).

Remuneration etc of staff

- 6
- (1) A chief constable may pay remuneration, allowances and gratuities to the members of the police force's civilian staff.
 - (2) A chief constable may pay—
 - (a) pensions to, or in respect of, persons who have been members of the police force's civilian staff, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the police force's civilian staff.
 - (3) In this paragraph "allowances", in relation to a member of a police force's civilian staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Incidental powers

- 7
- (1) A chief constable may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of chief constable.
 - (2) That includes—
 - (a) entering into contracts and other agreements (whether legally binding or not), but only with the consent of the relevant police and crime commissioner;
 - (b) acquiring and disposing of property, apart from land, but only with the consent of the relevant police and crime commissioner.
 - (3) But the chief constable may not borrow money.
 - (4) Sub-paragraph (2)(a) does not require the chief constable to obtain the consent of the relevant police and crime commissioner in order to enter into a contract or other agreement with a person—
 - (a) by virtue of which the person becomes, or is, a member of the police force's civilian staff, or
 - (b) which otherwise relates to the person's membership of that civilian staff (including the terms and conditions of the person's membership).
 - (5) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of chief constables.

Damages and costs in legal proceedings

- 8 (1) The following amounts must be paid out of the police fund kept by the relevant police and crime commissioner—
- (a) any damages or costs awarded against a chief constable in any proceedings brought against the chief constable in respect of the acts or omissions of a member of the relevant police force’s civilian staff;
 - (b) any costs incurred by a chief constable in any such proceedings so far as not recovered by the chief constable in the proceedings; and
 - (c) any sum required in connection with the settlement of any claim made against a chief constable in respect of the acts or omissions of a member of the relevant police force’s civilian staff, if the settlement is approved by the relevant police and crime commissioner.
- (2) A police and crime commissioner may, in such cases and to such extent as appear to the commissioner to be appropriate, pay out of the police fund kept by the commissioner—
- (a) any damages or costs awarded against a member of the relevant police force’s civilian staff in proceedings for any unlawful conduct of that person;
 - (b) any costs incurred and not recovered by such a member of staff in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

Disciplinary action etc

- 9 Paragraph 2 does not affect the application of regulations under section 50 of the Police Act 1996 to the constable who occupies the office of chief constable.

SCHEDULE 3

Section 3

MAYOR’S OFFICE FOR POLICING AND CRIME

Allowances

- 1 (1) The occupant of the Mayor’s Office for Policing and Crime is to be paid authorised allowances.
- (2) In this paragraph “authorised allowances” means allowances, in respect of expenses incurred by the occupant of the Mayor’s Office for Policing and Crime in the exercise of the functions of that Office, which are of the kinds and amounts designated by the Secretary of State as payable in accordance with this paragraph.
- (3) A determination under this paragraph may make different provision for different cases.
- (4) Payments under this paragraph are to be made by the Mayor’s Office for Policing and Crime.

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

Staff

- 2 (1) The Mayor’s Office for Policing and Crime must appoint a person to be the head of that Office’s staff (referred to in this Part as the chief executive of the Mayor’s Office for Policing and Crime).
- (2) The Mayor’s Office for Policing and Crime may appoint such other staff (in addition to the chief executive, and the chief finance officer appointed under section 127(2) of the Greater London Authority Act 1999) as the Office thinks appropriate to enable the Office to exercise its functions.
- (3) A reference in any enactment to the officers of a functional body of the Greater London Authority is, in the case of the Mayor’s Office for Policing and Crime, to be read as a reference to the staff of that Office.
- 3 (1) The Mayor’s Office for Policing and Crime must appoint a person to act as chief executive, if and for as long as—
 - (a) that post is vacant, or
 - (b) the holder of that post is, in the opinion of the Mayor’s Office for Policing and Crime, unable to carry out the duties of that post.
- (2) A reference in any enactment to the chief executive of the Mayor’s Office for Policing and Crime includes a reference to a person acting as chief executive in accordance with sub-paragraph (1).

The Deputy Mayor for Policing and Crime

- 4 (1) This paragraph applies to the person appointed under section 19 to be the Deputy Mayor for Policing and Crime.
- (2) None of the following may be appointed as the Deputy Mayor for Policing and Crime—
 - (a) a person who has not attained the age of 18 on the day of appointment;
 - (b) a person who is subject to a relevant disqualification;
 - (c) a Member of the House of Commons;
 - (d) a member of the European Parliament;
 - (e) a member of the National Assembly for Wales;
 - (f) a member of the Scottish Parliament;
 - (g) a member of the Northern Ireland Assembly.
- (3) The terms and conditions of a person who is appointed as the Deputy Mayor for Policing and Crime must provide for the appointment to end not later than the day when the current term of office of the occupant of the Mayor’s Office for Policing and Crime ends.
- (4) If, and for as long as, the person who is Deputy Mayor for Policing and Crime is a member of the London Assembly, the Deputy Mayor for Policing and Crime is not to be regarded as a member of staff of the Mayor’s Office of Policing and Crime.
- (5) But sub-paragraph (4) does not prevent the person who is the Deputy Mayor for Policing and Crime from receiving allowances and gratuities under paragraph 6.
- (6) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the Deputy Mayor for Policing and Crime.

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

- (7) In this paragraph “current term of office”, in relation to the appointment of a member of staff by the occupant of the Mayor’s Office for Policing and Crime, means the occupant’s term of office which is running at the time the appointment is made.
- (8) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under—
- (a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or
 - (b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

Notification of appointments

- 5 (1) This paragraph applies to every appointment of a member of staff of the Mayor’s Office for Policing and Crime.
- (2) The Mayor’s Office for Policing and Crime must notify the London Assembly of—
- (a) the name of the person appointed;
 - (b) the post to which the person has been appointed; and
 - (c) the terms and conditions on which the person has been appointed.
- (3) In this paragraph, a reference to appointment of a person as a member of staff of the Mayor’s Office for Policing and Crime includes a reference to a person who is already a member of staff of the Office being appointed to a different post within the staff of the Office.

Remuneration etc of staff

- 6 (1) The Mayor’s Office for Policing and Crime may pay remuneration, allowances and gratuities to the members of the staff of the Office.
- (2) The Mayor’s Office for Policing and Crime may pay—
- (a) pensions to, or in respect of, persons who have been members of the staff of the Office, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the staff of the Office.
- (3) In this paragraph “allowances”, in relation to a member of the staff of the Mayor’s Office for Policing and Crime, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Incidental powers

- 7 (1) The Mayor’s Office for Policing and Crime may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office.
- (2) That includes—
- (a) entering into contracts and other agreements (whether legally binding or not);
 - (b) acquiring and disposing of property (including land);
 - (c) borrowing money.

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

- (3) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of the Mayor's Office for Policing and Crime.

Protection from personal liability

- 8 (1) A person who is the occupant of the Mayor's Office for Policing and Crime has no personal liability for an act or omission done by the person in the exercise of the functions of the office unless it is shown to have been done otherwise than in good faith.
- (2) A person who is a member of staff of the Mayor's Office for Policing and Crime has no personal liability for an act or omission done by the person in the carrying out of duties as a member of staff unless it is shown to have been done otherwise than in good faith.

Financial year

- 9 (1) The first financial year of the Mayor's Office for Policing and Crime is the period that—
- (a) begins with the day on which section 3 comes into force, and
 - (b) ends with the relevant 31 March.
- (2) After that, the financial year of the Mayor's Office for Policing and Crime is the period of 12 months ending with 31 March.
- (3) In this paragraph "relevant 31 March", in relation to the first financial year of the Mayor's Office for Policing and Crime, means—
- (a) if that financial year begins on or before 1 October, the first 31 March that falls after the beginning of the financial year;
 - (b) if that financial year begins after 1 October, the second 31 March that falls after the beginning of the financial year.

SCHEDULE 4

Section 4

COMMISSIONER OF POLICE OF THE METROPOLIS

Civilian staff

- 1 (1) The Commissioner of Police of the Metropolis must appoint a person to be responsible for the proper administration of the metropolitan police force's financial affairs (referred to in this Part as the metropolitan police force's chief finance officer).
- (2) The Commissioner of Police of the Metropolis may appoint such other staff as the Commissioner thinks appropriate—
- (a) to enable the Commissioner to exercise the Commissioner's functions, or
 - (b) otherwise to assist the metropolitan police force.
- (3) Section 113 of the Local Government Finance Act 1988 applies to the chief finance officer of the Commissioner of Police of the Metropolis as it applies to the persons having responsibility for the administration of financial affairs mentioned in that section.

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

- 2 (1) The Commissioner of Police of the Metropolis must appoint a qualified person to act as chief finance officer, if and for as long as—
- (a) that post is vacant, or
 - (b) the holder of that post is, in the Commissioner’s opinion, unable to carry out the duties of that post.
- (2) For the purposes of sub-paragraph (1) a person is qualified to be appointed to act as chief finance officer if that person is qualified to be appointed to the post under paragraph 1.
- (3) A reference in any enactment to the metropolitan police force’s chief finance officer includes a reference to a person acting as chief finance officer in accordance with sub-paragraph (1).

Remuneration etc of staff

- 3 (1) The Commissioner of Police of the Metropolis may pay remuneration, allowances and gratuities to the members of the metropolitan police force’s civilian staff.
- (2) The Commissioner of Police of the Metropolis may pay—
- (a) pensions to, or in respect of, persons who have been members of the metropolitan police force’s civilian staff, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the metropolitan police force’s civilian staff.
- (3) In this paragraph “allowances”, in relation to a member of a metropolitan police force’s civilian staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Incidental powers

- 4 (1) The Commissioner of Police of the Metropolis may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Commissioner.
- (2) That includes—
- (a) entering into contracts and other agreements (whether legally binding or not), but only with the consent of the Mayor’s Office for Policing and Crime;
 - (b) acquiring and disposing of property, apart from land, but only with the consent of the Mayor’s Office for Policing and Crime.
- (3) But the Commissioner of Police of the Metropolis may not borrow money.
- (4) Sub-paragraph (3) does not require the Commissioner of Police of the Metropolis to obtain the consent of the Mayor’s Office for Policing and Crime in order to enter into a contract or other agreement with a person—
- (a) by virtue of which the person becomes, or is, a member of the metropolitan police force’s civilian staff, or
 - (b) which otherwise relates to the person’s membership of that civilian staff (including the terms and conditions of the person’s membership).
- (5) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of the Commissioner.

Damages and costs in legal proceedings

- 5 (1) The following amounts must be paid out of the police fund kept by the Mayor's Office for Policing and Crime—
- (a) any damages or costs awarded against the Commissioner of Police of the Metropolis in any proceedings brought against the Commissioner in respect of the acts or omissions of a member of the metropolitan police force's civilian staff;
 - (b) any costs incurred by the Commissioner of Police of the Metropolis in any such proceedings so far as not recovered by the Commissioner in the proceedings; and
 - (c) any sum required in connection with the settlement of any claim made against the Commissioner of Police of the Metropolis in respect of the acts or omissions of a member of the metropolitan police force's civilian staff, if the settlement is approved by the Mayor's Office for Policing and Crime.
- (2) The Mayor's Office for Policing and Crime may, in such cases and to such extent as appear to the Office to be appropriate, pay out of the police fund kept by the Office—
- (a) any damages or costs awarded against a member of the metropolitan police force's civilian staff in proceedings for any unlawful conduct of that person;
 - (b) any costs incurred and not recovered by such a member of staff in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

Disciplinary action etc

- 6 Section 4(1) does not affect the application of regulations under section 50 of the Police Act 1996 to the constable who occupies the office of Commissioner of Police of the Metropolis.

SCHEDULE 5

Section 26

ISSUING PRECEPTS

Introduction

- 1 (1) A police and crime commissioner may not issue a precept under section 40 of the Local Government Finance Act 1992 for a financial year until the end of the scrutiny process is reached.
- (2) The end of the scrutiny process is reached when—
- (a) in a case where paragraph 5 applies, the police and crime commissioner gives the police and crime panel a response to the panel's report; or
 - (b) in a case where paragraph 6 applies, the end of the process is reached in accordance with regulations under paragraph 8.
- (3) References in this Schedule to the issuing of a precept include references to the issuing of a substitute precept.

Commissioner to notify panel of proposed precept

- 2 The police and crime commissioner must notify the relevant police and crime panel of the precept which the commissioner is proposing to issue for the financial year (the “proposed precept”).

Panel to review proposed precept

- 3 (1) The police and crime panel must review the proposed precept notified to it under paragraph 2.
- (2) The panel must make a report to the commissioner on the proposed precept.
- (3) The report may include recommendations, including recommendations as to the precept that should be issued for the financial year.

Panel’s power to veto precept

- 4 (1) The police and crime panel may, having reviewed the proposed precept, veto the proposed precept.
- (2) If the panel vetoes the proposed precept, the report made under paragraph 3 must include a statement that the panel has vetoed it.
- (3) References in this Schedule to a police and crime panel vetoing a proposed precept are references to the panel making a decision, by the required majority, that the proposed precept should not be the precept for the financial year.
- (4) For that purpose, the panel makes that decision by the required majority if at least two-thirds of the persons who are members of the panel at the time when the decision is made vote in favour of making that decision.

Next steps if no veto

- 5 (1) This paragraph applies if the police and crime panel does not veto the proposed precept.
- (2) The police and crime commissioner must—
- (a) have regard to the report made by the panel under paragraph 3 (including any recommendations in the report),
 - (b) give the panel a response to the report (and any such recommendations), and
 - (c) publish the response.
- (3) The police and crime commissioner may—
- (a) issue the proposed precept as the precept for the financial year, or
 - (b) issue a different precept, but only if it would be in accordance with a recommendation made in the report to do so.
- (4) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with sub-paragraph (2) (c).

Next steps if veto

- 6 (1) This paragraph applies if the police and crime panel vetoes the proposed precept.

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

- (2) The police and crime commissioner must not issue the proposed precept as the precept for the financial year.
- (3) The police and crime commissioner must—
 - (a) have regard to the report made by the panel under paragraph 3 (including any recommendations in the report),
 - (b) give the panel a response to the report (and any such recommendations), and
 - (c) publish the response.
- (4) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with sub-paragraph (3)(c).
- (5) Sub-paragraph (2) is subject to regulations under paragraph 8.

Regulations

- 7 (1) The Secretary of State may make regulations about—
 - (a) the steps that are required to be taken by paragraphs 2 to 6, and
 - (b) procedures that are to be followed in taking such steps.
- (2) The regulations may, in particular, make provision about the time limits applicable in taking steps or following procedures.
- 8 (1) The Secretary of State may make regulations about the issuing of precepts in cases where paragraph 6 applies.
- (2) The regulations may make provision about—
 - (a) steps to be taken, and
 - (b) procedures to be followed.
- (3) That includes provision about the time limits applicable in taking steps or following procedures.
- (4) The regulations may make provision about limits on the precept that may be issued.
- (5) That includes provision about the calculation of limits by reference to—
 - (a) one or more previous precepts,
 - (b) the proposed precept, or
 - (c) any other matters.
- (6) The regulations may confer functions on—
 - (a) police and crime commissioners,
 - (b) police and crime panels,
 - (c) the Secretary of State, or
 - (d) any other person.
- (7) That includes functions involving the exercise of a discretion.
- (8) Sub-paragraphs (2) to (7) do not limit the power conferred by sub-paragraph (1).

SCHEDULE 6

Section 28

POLICE AND CRIME PANELS

PART 1

TYPE OF PANEL WHICH POLICE AREA IS TO HAVE

England

- 1 (1) Each police area in England, other than the metropolitan police district, is to have a police and crime panel established and maintained in accordance with Part 2 of this Schedule.
- (2) But the Secretary of State may, by order, provide that any such police area is to have (for as long as the order has effect) a police and crime panel established and maintained in accordance with Part 3 of this Schedule (instead of a panel established and maintained in accordance with Part 2).
- (3) The Secretary of State may make an order under sub-paragraph (2) in relation to a single-authority police area only if the Secretary of State is of the opinion that the relevant local authority has failed to nominate or appoint one or more of its councillors as members of the panel in accordance with paragraphs 6 and 9.
- (4) The Secretary of State may make an order under sub-paragraph (2) in relation to a multi-authority police area only if the Secretary of State is of the opinion that all the relevant local authorities have (whether at the same time or at different times) failed to nominate or appoint one or more of their councillors as members of the panel—
 - (a) in accordance with paragraphs 7 and 9 (in the case of a police area which covers ten or more local authorities), or
 - (b) in accordance with paragraphs 8 and 9 (in the case of a police area which covers nine or fewer local authorities).

Wales

- 2 Each police area in Wales is to have a police and crime panel established and maintained in accordance with Part 3 of this Schedule.

PART 2

PANELS ESTABLISHED BY LOCAL AUTHORITIES

Establishment and maintenance of panels

- 3 (1) This Part of this Schedule applies in relation to each police area in England (other than the metropolitan police district), unless an order under paragraph 1(2) has effect in relation to the police area.
- (2) The local authority or local authorities which such a police area covers must—
 - (a) establish and maintain a police and crime panel for the police area, and

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- (b) make the panel arrangements (see paragraph 24) for the police and crime panel.
- (3) In the case of a multi-authority police area, all the relevant local authorities must agree to the making or modification of the panel arrangements.
- (4) In the following provisions of this Part of this Schedule, a reference to a police and crime panel is a reference to a panel established and maintained in accordance with this paragraph.

Membership and status

- 4 (1) A police and crime panel for a police area is to consist of the following members—
- (a) the relevant number of persons properly appointed as members of the panel; and
 - (b) the appropriate number of members co-opted by the panel.
- (2) For the purposes of sub-paragraph (1)(a), the “relevant number” is—
- (a) ten (if the police area covers ten or fewer local authorities); or
 - (b) the number that is equal to the number of local authorities which the police area covers (if the police area covers eleven or more local authorities).
- (3) For the purposes of sub-paragraph (1)(b), the “appropriate number” is—
- (a) two, or
 - (b) if a resolution of the panel under sub-paragraph (4) is in force, the number of co-opted members specified in that resolution.
- (4) A police and crime panel may resolve that the panel is to have the number of co-opted members specified in the resolution; but no such resolution may be passed unless—
- (a) that number of co-opted members is greater than two;
 - (b) the Secretary of State agrees that the panel should have that number of co-opted members; and
 - (c) the total membership of the panel, including that number of co-opted members, would not exceed 20.
- (5) A police and crime panel is—
- (a) a committee of the relevant local authority (if it is the panel for a single-authority police area), or
 - (b) a joint committee of the relevant local authorities (if it is the panel for a multi-authority police area).
- (6) A police and crime panel may not exercise any functions other than those conferred by this Act.

Persons properly appointed as members of panels

- 5 (1) In this Part of this Schedule, a reference to a person properly appointed as a member of a police and crime panel is a reference to—
- (a) a person nominated by a relevant local authority to be a member of the panel, and appointed by the authority as a member of the panel, in accordance with paragraphs 6 and 9, paragraphs 7 and 9, or paragraphs 8 and 9, or

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- (b) a person nominated by the Secretary of State to be a member of the panel, and appointed by the Secretary of State as a member of the panel, in accordance with paragraph 10.
- (2) In the case of the police and crime panel for a multi-authority police area which covers nine or fewer local authorities, the panel arrangements must make provision as to the relevant local authority or authorities who are to have power to appoint the extra members of the panel (see paragraph 8(3)(b)).
- (3) For that purpose “extra members” means the number of members of the panel produced by this calculation—

$$10 - L$$

where L is the number of local authorities which the police area covers.

Single-authority police area: nomination by local authority

- 6
- (1) This paragraph applies in relation to the police and crime panel for a single-authority police area.
 - (2) If the number of appointed members of the police and crime panel is less than the full complement, the relevant local authority may nominate the appropriate number of its councillors to be members of the police and crime panel.
 - (3) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.
 - (4) In this paragraph—
 - “appropriate number” means the number that is equal to the difference between—
 - (a) the full complement; and
 - (b) the number of appointed members of the panel;
 - “full complement” means ten members.

Police area covering ten or more local authorities: nomination by local authority

- 7
- (1) This paragraph applies in relation to the police and crime panel for a police area which covers ten or more local authorities.
 - (2) In a case where—
 - (a) the number of appointed members of the police and crime panel is less than the full complement, and
 - (b) there is no member of the panel who was appointed by a particular relevant local authority,the authority may nominate one of its councillors to be a member of the police and crime panel.
 - (3) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.
 - (4) In this paragraph, “full complement” means the number of appointed members which the panel is to have by virtue of paragraph 4(1)(a).

Multi-authority police area covering nine or fewer local authorities: nomination by local authority

- 8 (1) This paragraph applies in relation to the police and crime panel for a multi-authority police area which covers nine or fewer local authorities.
- (2) In a case where—
- (a) the number of appointed members of the police and crime panel is less than the full complement,
 - (b) a particular relevant local authority does not have power under the panel arrangements to appoint an extra member of the panel (see paragraph 5(2)), and
 - (c) there is no member of the panel who was appointed by the authority,
- the authority may nominate one of its councillors to be a member of the police and crime panel.
- (3) In a case where—
- (a) the number of appointed members of the police and crime panel is less than the full complement,
 - (b) a particular relevant local authority has power under the panel arrangements to appoint one or more extra members of the panel (see paragraph 5(2)), and
 - (c) the number of members of the panel who are members by virtue of appointment by the authority is less than the authority's quota of members,
- the authority may nominate the permitted number of its councillors to be members of the police and crime panel.
- (4) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.
- (5) In this paragraph, in relation to a police and crime panel and a relevant local authority—
- “full complement” means ten members;
 - “permitted number” means the number that is equal to the difference between—
 - (a) the authority's quota of members; and
 - (b) the number of members of the panel who are members by virtue of appointment by the authority;
 - “quota of members” means the number of members calculated by adding one to the number of extra members of the panel which the authority has power to appoint under the panel arrangements (see paragraph 5(2)).

Appointment after nomination by local authority

- 9 (1) This paragraph applies where a relevant local authority makes a nomination under paragraph 6, 7 or 8.
- (2) If the nominee accepts the nomination, the relevant local authority may appoint the nominated councillor as a member of the panel.
- (3) If the nominee does not accept the nomination, the relevant local authority may nominate another of its councillors to be a member of the police and crime panel (and

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sub-paragraph (2) or this sub-paragraph applies accordingly, as if the nomination were made under paragraph 6, 7 or 8).

Failure of local authority to appoint member: nomination and appointment by Secretary of State

- 10 (1) This paragraph applies if the Secretary of State is satisfied that—
- (a) the number of appointed members of a police and crime panel is less than the full complement, and
 - (b) a relevant local authority (the “defaulting local authority”)—
 - (i) has failed to nominate or appoint one or more of its councillors as members of the panel in accordance with paragraphs 6 and 9, paragraphs 7 and 9, or paragraphs 8 and 9, or
 - (ii) does not have power to make such a nomination and appointment because of paragraph 6(3), 7(3) or 8(4).
- (2) The Secretary of State must nominate the appropriate number of persons who are councillors of relevant local authorities to be members of the police and crime panel.
- (3) Sub-paragraph (4) or (5) applies in relation to each nomination which the Secretary of State is required to make under sub-paragraph (2).
- (4) If the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the panel.
- (5) If the nominee does not accept the nomination, the Secretary of State must nominate another person who is a councillor of a relevant local authority to be a member of the police and crime panel (and sub-paragraph (4) or this sub-paragraph applies accordingly, as if the nomination were made under sub-paragraph (2)).
- (6) In complying with this paragraph in relation to the police and crime panel for a multi-authority police area, the Secretary of State must secure (as far as is reasonably practicable) that the fair representation objective is met.
- (7) The “fair representation objective” referred to in sub-paragraph (6) is—
- (a) in the case of a police area which covers ten or more local authorities, the objective that each relevant local authority has only one of its councillors as a member of the panel;
 - (b) in the case of a police area which covers nine or fewer local authorities, the objective that each relevant local authority has at least one of its councillors as a member of the panel.
- (8) If the Secretary of State—
- (a) is satisfied that a relevant local authority has failed to nominate or appoint one or more of its councillors as members of the panel as mentioned in sub-paragraph (1)(b), and
 - (b) is considering whether to exercise, has decided to exercise, or has exercised, the power under this paragraph to make a nomination,
- the Secretary of State may give the authority notice that the Secretary of State is satisfied as mentioned in paragraph (a) of this sub-paragraph.
- (9) A notice given under sub-paragraph (8) may be withdrawn by the Secretary of State at any time.

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- (10) For the purposes of sub-paragraph (1)(b)(i), it is irrelevant that a relevant local authority which has failed to nominate or appoint a councillor as a member of the panel—
- (a) may have power under any of paragraphs 6 to 9 to make a further nomination; or
 - (b) is complying with, or has complied with, the panel arrangements relating to that panel.
- (11) In this paragraph—
- “appropriate number” means the number that is equal to the difference between—
 - (a) the full complement; and
 - (b) the number of appointed members of the panel;
 - “full complement” means the number of appointed members which the panel is to have by virtue of paragraph 4(1)(a).

Costs of the panel

- 11 (1) This paragraph applies to a multi-authority panel.
- (2) The panel arrangements must make provision about—
- (a) how the relevant local authorities are to meet the costs of the panel; and
 - (b) insofar as the provision is necessary, how funds paid (whether by the Secretary of State or otherwise) to meet the costs of the panel are to be paid to, or distributed between, the relevant local authorities.

PART 3

PANELS ESTABLISHED BY THE SECRETARY OF STATE

Establishment and maintenance of panels

- 12 (1) This Part of this Schedule applies in relation to—
- (a) each police area in Wales, and
 - (b) each police area in England in relation to which an order under paragraph 1(2) has effect.
- (2) The Secretary of State must—
- (a) establish and maintain a separate police and crime panel for each police area to which this Part of this Schedule applies, and
 - (b) make the panel arrangements (see paragraph 24) for each police and crime panel established and maintained in accordance with this paragraph.
- (3) The Secretary of State may make different panel arrangements for different police and crime panels.
- (4) In the following provisions of this Part of this Schedule, a reference to a police and crime panel is a reference to a panel established and maintained in accordance with this paragraph.

Membership and status

- 13 (1) A police and crime panel for a police area is to consist of the following members—
- (a) the relevant number of persons appointed by the Secretary of State as members of the panel; and
 - (b) the appropriate number of members co-opted by the panel.
- (2) For the purposes of sub-paragraph (1)(a), the “relevant number” is—
- (a) ten (if the police area covers ten or fewer local authorities); or
 - (b) the number that is equal to the number of local authorities which the police area covers (if the police area covers eleven or more local authorities).
- (3) For the purposes of sub-paragraph (1)(b), the “appropriate number” is—
- (a) two, or
 - (b) if a resolution of the panel under sub-paragraph (4) is in force, the number of co-opted members specified in that resolution.
- (4) A police and crime panel may resolve that the panel is to have the number of co-opted members specified in the resolution; but no such resolution may be passed unless—
- (a) that number of co-opted members is greater than two;
 - (b) the Secretary of State agrees that the panel should have that number of co-opted members; and
 - (c) the total membership of the panel, including that number of co-opted members, would not exceed 20.
- (5) A police and crime panel is not a committee or joint committee of any local authority or local authorities.

Wales: persons appointed by the Secretary of State as members of panels

- 14 In this Part of this Schedule, a reference to a person appointed by the Secretary of State as a member of a Welsh police and crime panel is a reference to—
- (a) a person nominated by a relevant local authority to be a member of the panel, and appointed by the Secretary of State as a member of the panel, in accordance with paragraph 16(2) to (4)(a), or
 - (b) a person nominated by the Secretary of State to be a member of the panel, and appointed by the Secretary of State as a member of the panel, in accordance with paragraph 16(4)(b) to (6).

Wales: Secretary of State to ask local authorities to nominate members of panels

- 15 (1) This paragraph applies in relation to a Welsh police and crime panel if the Secretary of State is satisfied that the number of appointed members of the panel is less than the full complement.
- (2) In the case of a police and crime panel for a single-authority police area, the Secretary of State must ask the relevant local authority to nominate the appropriate number of the authority’s councillors to be members of the panel.
- (3) In the case of a police and crime panel for a multi-authority police area, the Secretary of State must—
- (a) decide which of the relevant local authorities to ask to make nominations under this sub-paragraph (the “nominating authorities”);

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- (b) decide what number of nominations under this sub-paragraph each nominating authority is to be asked to make; and
 - (c) ask each nominating authority to nominate that number of the authority's councillors to be members of the panel.
- (4) In complying with sub-paragraph (3), the Secretary of State must secure—
- (a) that the number of nominations which the nominating authority or authorities are asked to make (when taken together) is equal to the appropriate number; and
 - (b) that (as far as is reasonably practicable) the fair representation objective is met.
- (5) The “fair representation objective” referred to in sub-paragraph (4)(b) is—
- (a) in the case of a police area which covers ten or more local authorities, the objective that each relevant local authority has only one of its councillors as a member of the panel;
 - (b) in the case of a police area which covers nine or fewer local authorities, the objective that each relevant local authority has at least one of its councillors as a member of the panel.
- (6) In this paragraph—
- “appropriate number” means the number that is equal to the difference between—
 - (a) the full complement; and
 - (b) the number of appointed members of the panel;
 - “full complement” means the number of appointed members which the panel is to have by virtue of paragraph 13(1)(a).

Wales: consequences of Secretary of State asking local authorities to make nominations

- 16 (1) This paragraph applies if, under paragraph 15, the Secretary of State asks a relevant local authority to nominate a councillor to be a member of a Welsh police and crime panel.
- (2) The authority may make the nomination.
- (3) If the authority makes the nomination, and the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the police and crime panel.
- (4) If the authority fails to make the nomination, or the nominee does not accept the nomination, the Secretary of State must either—
- (a) ask the authority to make another nomination (and sub-paragraph (2), and sub-paragraph (3) or this sub-paragraph, apply accordingly, as if the request were made under paragraph 15); or
 - (b) nominate a person who is a councillor of a relevant local authority to be a member of the police and crime panel.
- (5) If the nominee accepts a nomination made under sub-paragraph (4)(b), the Secretary of State must appoint the nominated councillor as a member of the panel.
- (6) If the nominee does not accept the nomination, the Secretary of State must nominate another person who is a councillor of a relevant local authority to be a member

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of the police and crime panel (and sub-paragraph (5) or this sub-paragraph applies accordingly, as if the nomination were made under sub-paragraph (4)(b)).

England: persons appointed by the Secretary of State as members of panels

- 17 In this Part of this Schedule, a reference to a person appointed by the Secretary of State as a member of an English police and crime panel is a reference to a person who has been appointed by the Secretary of State as a member of the panel in accordance with paragraph 18.

England: nomination and appointment of members of panels by Secretary of State

- 18 (1) This paragraph applies in relation to an English police and crime panel if the Secretary of State is satisfied that the number of appointed members of the panel is less than the full complement.
- (2) The Secretary of State must nominate the appropriate number of persons who are councillors of relevant local authorities to be members of the police and crime panel.
- (3) Sub-paragraph (4) or (5) applies in relation to each nomination which the Secretary of State is required to make under sub-paragraph (2).
- (4) If the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the panel.
- (5) If the nominee does not accept the nomination, the Secretary of State must nominate another person who is a councillor of a relevant local authority to be a member of the police and crime panel (and sub-paragraph (4) or this sub-paragraph applies accordingly, as if the nomination were made under sub-paragraph (2)).
- (6) In this paragraph—
- “appropriate number” means the number that is equal to the difference between—
- (a) the full complement; and
- (b) the number of appointed members of the panel;
- “full complement” means the number of appointed members which the panel is to have by virtue of paragraph 13(1)(a).

Liabilities of panels

- 19 (1) All relevant liabilities relating to a police and crime panel are liabilities of the Secretary of State (and accordingly are not liabilities of any member of the panel).
- (2) Any expense incurred by a member of a police and crime panel—
- (a) in respect of a relevant liability, or
- (b) otherwise in the exercise of, or purported exercise of, a function of the panel, is to be borne and repaid by the Secretary of State.
- (3) In this paragraph “relevant liability” means a liability which, but for this paragraph, would be a liability of a member of a police and crime panel (whether personally or as a member of that panel) in respect of anything done by—
- (a) that person in the exercise, or purported exercise, of a function of a member of the panel,

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- (b) any other member of the panel in the exercise, or purported exercise, of a function of a member of the panel, or
- (c) the panel in the exercise, or purported exercise, of a function of the panel.

Provision of financial and other resources

- 20 (1) The Secretary of State may provide financial and other resources—
- (a) to a police and crime panel in connection with the exercise of the panel's functions;
 - (b) to the members of a police and crime panel in connection with the exercise of their functions; and
 - (c) to one or more of the relevant local authorities covered by a police area in connection with the exercise of functions by—
 - (i) such an authority in relation to the police and crime panel for that police area,
 - (ii) that panel, or
 - (iii) the members of that panel.
- (2) The Secretary of State may provide financial or other resources under sub-paragraph (1) subject to conditions.
- (3) In the case of resources provided under sub-paragraph (1)(c), the conditions which may be imposed include conditions requiring a relevant local authority to pass resources to, or share resources with, another relevant local authority.
- (4) The power under this paragraph to provide resources is in addition to the duty under paragraph 19(2).

PART 4

GENERAL PROVISIONS

Restrictions on membership of panel

- 21 The police and crime commissioner for a police area may not be a member of the police and crime panel for the area.
- 22 A person may not be a co-opted member of the police and crime panel for a police area if the person is any of the following—
- (a) a member of the staff of the police and crime commissioner for that police area;
 - (b) a member of the civilian staff of the police force for that police area;
 - (c) a Member of Parliament;
 - (d) a member of the National Assembly for Wales;
 - (e) a member of the Scottish Parliament;
 - (f) a member of the European Parliament.
- 23 (1) If the police and crime panel for a police area has two co-opted members, a member of a local authority which is covered by that police area may not be a co-opted member of that panel.

- (2) If the police and crime panel for a police area has three or more co-opted members, a member of a local authority which is covered by that police area may be a co-opted member of that panel only if at least two of the other co-opted members are not members of any such local authority.

Panel arrangements

- 24 (1) Panel arrangements are arrangements for the establishment and maintenance of a police and crime panel.
- (2) Panel arrangements must make provision about the co-option of, and holding of office by, the co-opted members of the police and crime panel.
- (3) Panel arrangements must include provision about—
- (a) the term of office of appointed members and co-opted members of the panel;
 - (b) resignation, and removal, of appointed members and co-opted members of the panel;
 - (c) conditions for re-appointment of appointed members and co-opted members of the panel.
- (4) Panel arrangements may not make rules of procedure for the police and crime panel (as to which see paragraph 25).
- (5) Panel arrangements may make different provision for different cases.
- (6) The following persons must comply with the panel arrangements relating to a police and crime panel—
- (a) each relevant local authority;
 - (b) each member of the police and crime panel.

Rules of procedure

- 25 (1) A police and crime panel must make rules of procedure for the panel.
- (2) A police and crime panel's rules of procedure must make provision about the appointment, resignation and removal of a person to chair the panel.
- (3) The police and crime panel's rules of procedure may, in particular, make provision about—
- (a) the method of making decisions, and
 - (b) the formation of sub-committees.
- (4) A sub-committee of a police and crime panel may not co-opt members.
- (5) This paragraph is subject to paragraph 27.

Voting by members

- 26 All members of a police and crime panel may vote in proceedings of the panel.

Exercise of special functions

- 27 (1) The special functions of a police and crime panel may not be discharged by a committee or sub-committee of the panel.

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- (2) In this paragraph “special functions” means the functions conferred on a police and crime panel by—
- (a) section 28(3) (scrutiny of police and crime plan);
 - (b) section 28(4) (scrutiny of annual report);
 - (c) paragraphs 10 and 11 of Schedule 1;
 - (d) Schedule 5 (issuing precepts); and
 - (e) Part 1 of Schedule 8 (scrutiny of appointment of chief constables).

Allowances

- 28 The panel arrangements may make provision about the payment of allowances to members of the police and crime panel.

Promotion of, and support, for panels

- 29 The panel arrangements must make provision for—
- (a) the role of the police and crime panel to be promoted;
 - (b) administrative and other support to be given to the police and crime panel and its members;
 - (c) support and guidance to be given to—
 - (i) members of relevant local authorities,
 - (ii) members of the executives (if any) of relevant local authorities, and
 - (iii) officers of relevant local authorities,in relation to the functions of the police and crime panel.

Validity of proceedings

- 30 The validity of the proceedings of a police and crime panel is not affected by a vacancy in the membership of the panel or a defect in appointment.

Duty to produce balanced panel

- 31 (1) In exercising functions under Part 2 or 3 of this Schedule, a relevant local authority must secure that (as far as is reasonably practicable) the balanced appointment objective is met.
- (2) In exercising functions under Part 2 or 3 of this Schedule, the Secretary of State must secure that (as far as is reasonably practicable) the balanced appointment objective is met.
- (3) A police and crime panel must, in co-opting persons who are members of relevant local authorities, secure that (as far as is reasonably practicable) the balanced appointment objective is met.
- (4) A police and crime panel—
- (a) must, from time to time, decide whether the panel’s exercise of the power conferred by paragraph 4(4) or 13(4) (changing the number of co-opted members of the panel) would enable the balanced appointment objective to be, or would contribute to that objective being, met or more effectively met; and

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- (b) if the panel decides that the exercise of the power would do so, must exercise that power accordingly.
- (5) The “balanced appointment objective” referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—
- (a) represent all parts of the relevant police area;
 - (b) represent the political make-up of—
 - (i) the relevant local authority, or
 - (ii) the relevant local authorities (when taken together);
 - (c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.
- (6) For that purpose “local authority members” means—
- (a) appointed members of the police and crime panel, and
 - (b) co-opted members of the panel who are members of relevant local authorities.
- 32 In co-opting members who are not members of relevant local authorities, a police and crime panel must secure that (as far as is reasonably practicable) the appointed and co-opted members of the panel (when taken together) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Duty to nominate elected mayor to be a member of the panel

- 33 (1) This paragraph applies if—
- (a) a local authority has a mayor and cabinet executive, and
 - (b) the elected mayor of that executive is not a member of the relevant police and crime panel.
- (2) If the relevant local authority has power under paragraph 6(2), 7(2), 8(2) or (3) or 16(2) to nominate one or more of its councillors to be members of that panel, any exercise of that power must be such as to secure that the elected mayor is the councillor, or one of the councillors, so nominated.
- (3) If the Secretary of State is required by paragraph 10(2), 16(4)(b) or 18(2) to nominate one or more persons to be members of that panel, the Secretary of State must secure that the elected mayor is the person, or one of the persons, so nominated.
- (4) The duty in sub-paragraph (2) or (3) does not apply at a particular time if the person who holds office as the elected mayor at that time (the “current mayor”)—
- (a) has, since the start of the current mayoral term, already been nominated to be a member of that panel (whether by the relevant local authority or the Secretary of State), and
 - (b) did not become a member of that panel by virtue of the nomination.
- (5) But sub-paragraph (4) does not prevent the exercise of a power under this Schedule so as to make a further nomination of the current mayor to be a member of that panel.
- 34 (1) This paragraph applies if—
- (a) a local authority has a mayor and cabinet executive,

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- (b) under paragraph 6(2), 7(2), 8(2) or (3) or 16(2) the local authority nominates the person who holds office as elected mayor of the executive at that time (the “current mayor”) to be a member of the relevant police and crime panel,
 - (c) that is the first such nomination of the current mayor since the start of the current mayoral term, and
 - (d) the current mayor does not become a member of that panel by virtue of the nomination.
- (2) The Secretary of State may not, by virtue of that failure of the current mayor to become a member of the police and crime panel, nominate a person to be a member of that panel under paragraph 10(2) or 16(4)(b).
- 35 (1) This paragraph applies for the purposes of paragraphs 33 and 34 and this paragraph.
- (2) A reference to the start of the current mayoral term of a person who is the elected mayor of the executive of a local authority is a reference to the time when that person—
- (a) took office as elected mayor of that executive (if that person has been so elected on only one occasion), or
 - (b) most recently took office as elected mayor of that executive (if that person has been so elected on two or more occasions).
- (3) The “relevant police and crime panel”, in relation to a local authority, is the police and crime panel for the police area which covers that authority.
- (4) The expressions “elected mayor” and “mayor and cabinet executive” have the same meanings as in Part 2 of the Local Government Act 2000.

Application of other legislation

- 36 (1) The Secretary of State may, by regulations—
- (a) amend or otherwise modify any local authority enactment in its application to police and crime panels or members of police and crime panels, and
 - (b) apply any local authority enactment (with or without modifications) to police and crime panels or members of police and crime panels if, or to the extent that, it does not so apply.
- (2) In this paragraph “local authority enactment” means an enactment which relates to—
- (a) local authorities or committees or joint committees of local authorities, or
 - (b) members of such authorities, committees or joint committees.

Regulations about notifications

- 37 The Secretary of State may, by regulations, make provision about notifications to be given by persons in relation to—
- (a) their compliance, or failure to comply, with any duty imposed under this Schedule; or
 - (b) their exercise, or failure to exercise, any power conferred under this Schedule.

Regulations about making nominations

- 38 (1) The Secretary of State may, by regulations, make provision about—

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

- (a) the making of nominations (including provision about when nominations lapse);
- (b) the notification of nominations (whether to the nominee or any other person); and
- (c) the acceptance and refusal of nominations (including provision about when nominations are to be treated as having been accepted or refused).

(2) In this paragraph “nomination” means a nomination by a relevant local authority or the Secretary of State of a person to be a member of a police and crime panel.

Regulations about making appointments

- 39 (1) The Secretary of State may, by regulations, make provision about—
- (a) the making of appointments;
 - (b) the notification of appointments (whether to the appointee or any other person); and
 - (c) the termination of appointments (including provision about when appointments are to be treated as having been terminated).
- (2) In this paragraph “appointment” means—
- (a) the appointment by a relevant local authority or the Secretary of State of a person as a member of a police and crime panel, and
 - (b) the co-option by a police and crime panel of a person to be a member of the panel.

Regulations about modification etc of functions

- 40 (1) The Secretary of State may, by regulations, make provision for modifying, suspending, transferring or removing relevant functions insofar as they are exercisable in relation to police and crime panels in respect of which the Secretary of State is, or has been, required to nominate members.
- (2) In this paragraph, “relevant functions” means functions conferred on relevant local authorities or the Secretary of State by this Schedule.

Interpretation

- 41 (1) A reference in this Schedule to a police area which covers a local authority is a reference to a police area whose area is the same as, or includes, all or part of the local authority’s area.
- (2) The circumstances in which a relevant local authority may be taken, for the purposes of this Schedule, to have failed to nominate or appoint a councillor as a member of a police and crime panel include circumstances where a councillor who is nominated and appointed fails to remain as a member of the panel for such a period as the Secretary of State considers reasonable.
- (3) In this Schedule—
- “appointed member” means a member of a police and crime panel by virtue of paragraph 4(1)(a) or 13(1)(a);
 - “co-opted member” means a member of a police and crime panel by virtue of paragraph 4(1)(b) or 13(1)(b);
 - “councillor”, in relation to a local authority, means a person who—

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

- (a) is a member of the local authority, or
 - (b) is the elected mayor of a mayor and cabinet executive (within the meaning of Part 2 of the Local Government Act 2000) of a relevant local authority;
- “English police and crime panel” means a police and crime panel for a police area in England;
- “local authority” means—
- (a) in relation to England, a county council or a district council;
 - (b) in relation to Wales, a county council or a county borough council;
- “multi-authority police area” means a police area which covers two or more local authorities;
- “panel arrangements” means the arrangements referred to in paragraph 24;
- “relevant local authority”, in relation to a police area, means a local authority which the police area covers;
- “single-authority police area” means a police area which covers only one local authority;
- “Welsh police and crime panel” means a police and crime panel for a police area in Wales.

SCHEDULE 7

Section 31

REGULATIONS ABOUT COMPLAINTS AND CONDUCT MATTERS

Introduction

- 1 (1) In this Schedule—
- “conduct matter” has the same meaning as in section 31;
 - “police force” means a police force maintained for a police area in England or Wales or any other police force which exercises functions in England or Wales;
 - “qualifying complaint” has the same meaning as in section 31;
 - “regulations” means regulations under section 31.
- (2) The provisions of this Schedule that confer power to make particular kinds of regulations do not affect the generality of the power conferred by section 31.

Investigation of serious complaints

- 2 (1) This paragraph applies to—
- (a) serious complaints, and
 - (b) conduct matters,
- which relate to any relevant office holder.
- (2) Regulations must provide for serious complaints and conduct matters to be investigated—
- (a) by the Independent Police Complaints Commission, or

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

- (b) by a police force, in an investigation that is under the management of the Independent Police Complaints Commission.
- (3) This paragraph does not prevent regulations from making provision about the receipt or initial handling of serious complaints or conduct matters otherwise than by the Independent Police Complaints Commission or a police force.
- (4) This paragraph does not prevent regulations from making provision about—
 - (a) circumstances in which serious complaints or conduct matters are not to be investigated; and
 - (b) circumstances in which investigations of serious complaints or conduct matters are to be discontinued;including provision about the determination of such matters (whether by the Independent Police Complaints Commission, a police force or otherwise).
- (5) Regulations may make provision about what is to be taken to be a criminal offence for the purposes of sub-paragraph (6).
- (6) In this paragraph “serious complaint” means a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.

Resolution of other complaints

- 3 (1) This paragraph applies in relation to qualifying complaints which—
 - (a) relate to a holder of the office of—
 - (i) police and crime commissioner,
 - (ii) deputy police and crime commissioner, or
 - (iii) Deputy Mayor for Policing and Crime (unless the holder of that office is a member of the London Assembly), and
 - (b) are not, or cease to be, investigated by the Independent Police Complaints Commission or a police force.
- (2) Regulations—
 - (a) may not provide for the investigation of such complaints; but
 - (b) must provide for police and crime panels to engage in informal resolution of such complaints.
- (3) This paragraph does not prevent regulations from making provision about the receipt or initial handling of qualifying complaints otherwise than by police and crime panels.
- (4) This paragraph does not prevent regulations from making provision about—
 - (a) circumstances in which police and crime panels are not required to engage in informal resolution of such complaints; and
 - (b) circumstances in which informal resolution of such complaints is to be discontinued;including provision about the determination of such matters (whether by police and crime panels or otherwise).
- (5) In this Schedule—

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

- (a) references to engaging in informal resolution of a complaint are references to encouraging, facilitating, or otherwise assisting in, the resolution of the complaint otherwise than by legal proceedings; and
 - (b) references to informal resolution of a complaint are to be construed accordingly.
- 4 (1) This paragraph applies in relation to qualifying complaints which—
- (a) relate to a holder of the office of—
 - (i) the Mayor’s Office for Policing and Crime, or
 - (ii) Deputy Mayor for Policing and Crime, if the holder of that office is a member of the London Assembly, and
 - (b) are not, or cease to be, investigated by the Independent Police Complaints Commission or a police force.
- (2) Regulations must secure that such complaints are dealt with in accordance with Part 3 of the Local Government Act 2000.

Conferral of functions

- 5 (1) Regulations may confer functions on—
- (a) the Independent Police Complaints Commission,
 - (b) a police force,
 - (c) police and crime panels,
 - (d) the Secretary of State, or
 - (e) any other person.
- (2) That includes functions involving the exercise of a discretion.

No power to terminate holding of office or employment

- 6 (1) Regulations may not provide for a relevant office holder—
- (a) to cease to hold office, or
 - (b) to be required to cease to hold office.
- (2) But that does not apply to regulations under, or for the purposes of, paragraph 4.

Application and amendment of other enactments

- 7 (1) Regulations may apply (with or without modifications), or amend or otherwise modify, Part 2 of the Police Reform Act 2002.
- (2) Regulations may apply (with or without modifications) such other enactments, or make such amendments or other modifications of other enactments, as appear to the Secretary of State to be necessary or expedient—
- (a) in connection with, or in consequence of, regulations, or
 - (b) for the purposes of paragraph 4.

SCHEDULE 8

Section 38

APPOINTMENT, SUSPENSION AND REMOVAL OF SENIOR POLICE OFFICERS

PART 1

APPOINTMENT OF CHIEF CONSTABLES

Introduction

- 1 A police and crime commissioner must comply with this Part of this Schedule in appointing a chief constable under section 38.

No appointment until end of confirmation process

- 2 (1) A police and crime commissioner must not appoint a person to be chief constable unless—
- (a) that person is, or has been, a constable in any part of the United Kingdom, and
 - (b) the end of the confirmation process has been reached.
- (2) The end of the confirmation process is reached—
- (a) in a case where paragraph 7 applies, when the first of the events mentioned in sub-paragraphs (3) and (4) occurs; or
 - (b) in a case where paragraph 8 applies, when the first of the events mentioned in sub-paragraphs (3) and (5) occurs.
- (3) The first event mentioned in sub-paragraphs (2)(a) and (2)(b) is the period of three weeks mentioned in paragraph 4(6) ending without the relevant police and crime panel having given the police and crime commissioner any report on the proposed appointment.
- (4) The second event mentioned in sub-paragraph (2)(a) is the police and crime commissioner notifying the panel under paragraph 7(3) of the decision whether or not to accept the panel's recommendation in relation to the appointment.
- (5) The second event mentioned in sub-paragraph (2)(b) is the end of the confirmation process being reached in accordance with regulations under paragraph 10.

Notification of proposed appointment

- 3 (1) A police and crime commissioner must notify the relevant police and crime panel of each proposed appointment of a chief constable by the commissioner.
- (2) In such a case, the police and crime commissioner must also notify the relevant police and crime panel of the following information—
- (a) the name of the person whom the commissioner is proposing to appoint (“the candidate”);
 - (b) the criteria used to assess the suitability of the candidate for the appointment;
 - (c) why the candidate satisfies those criteria; and
 - (d) the terms and conditions on which the candidate is to be appointed.

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

Panel to review and report on proposed appointment

- 4 (1) This paragraph applies if a police and crime panel is notified under paragraph 3 of a proposed appointment of a chief constable.
- (2) The panel must review the proposed appointment.
- (3) The panel must make a report to the commissioner on the proposed appointment.
- (4) The report must include a recommendation to the police and crime commissioner as to whether or not the candidate should be appointed.
- (5) Sub-paragraph (4) does not apply if the panel vetoes the proposed appointment under paragraph 5 (but see paragraph 5(2)).
- (6) The panel must comply with sub-paragraphs (2) to (4) within the period of three weeks beginning with the day on which the panel receives the notification from the commissioner of the proposed appointment.
- (7) The panel must publish the report to the commissioner made under this paragraph.
- (8) It is for the panel to determine the manner in which the recommendation is to be published in accordance with sub-paragraph (7).
- (9) In calculating the period of three weeks for the purpose of sub-paragraph (6), any relevant post-election period is to be ignored.
- (10) For that purpose, “relevant post-election period” means the period that—
- (a) begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50, and
 - (b) ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance of office under section 70.

Power to veto proposed appointment

- 5 (1) The police and crime panel may, having reviewed the proposed appointment, veto the appointment of the candidate.
- (2) If the panel vetoes the appointment of the candidate, the report made under paragraph 4 must include a statement that the panel has vetoed it.
- (3) References in this Schedule to a police and crime panel vetoing the appointment of a candidate are references to the panel making a decision, by the required majority, that the candidate should not be appointed as chief constable.
- (4) For that purpose, the panel makes that decision by the required majority if at least two-thirds of the persons who are members of the panel at the time when the decision is made vote in favour of making that decision.
- (5) The power conferred by this paragraph is exercisable in relation to a proposed appointment only during the period of three weeks mentioned in paragraph 4(6).

Confirmation hearings

- 6 (1) A police and crime panel must hold a confirmation hearing—
- (a) before making a report under paragraph 4 to the police and crime commissioner in relation to a proposed appointment of a chief constable, and

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

- (b) before making a recommendation under paragraph 4 (where applicable) or vetoing an appointment under paragraph 5 (where applicable).
- (2) For the purposes of this Part a “confirmation hearing” is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.
- (3) References in this Part to a person appearing at a meeting of the panel are references to the person—
 - (a) attending the meeting in person, or
 - (b) not attending the meeting in person, but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.

Next steps if no veto

- 7 (1) This paragraph applies if the police and crime panel does not veto the appointment of a candidate.
- (2) The police and crime commissioner may accept or reject the panel’s recommendation as to whether or not the candidate should be appointed.
- (3) The police and crime commissioner must notify the panel of the decision whether to accept or reject the recommendation.

Next steps if veto

- 8 (1) This paragraph applies if the police and crime panel vetoes the appointment of a candidate.
- (2) The police and crime commissioner must not appoint that candidate as chief constable.
- (3) Sub-paragraph (2) is subject to regulations under paragraph 10.

Regulations

- 9 (1) The Secretary of State may make regulations about—
 - (a) the steps that are required to be taken by paragraphs 3 to 8, and
 - (b) procedures that are to be followed in taking such steps.
- (2) The regulations may, in particular, make provision about the time limits applicable in taking steps or following procedures (if, or to the extent that, this Part of this Schedule does not make such provision).
- 10 (1) The Secretary of State may make regulations about the appointment of chief constables in cases where paragraph 8 applies in relation to the appointment of a candidate (the “rejected candidate”).
- (2) The regulations may make provision about—
 - (a) steps to be taken, and
 - (b) procedures to be followed.
- (3) That includes provision about the time limits applicable in taking steps or following procedures.

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- (4) The regulations may make provision about limits on who may be considered for appointment.
- (5) That includes provision about limiting consideration for appointment to some or all of the persons already considered as part of the process by which the rejected candidate was selected for appointment.
- (6) The regulations may confer functions on—
 - (a) police and crime commissioners,
 - (b) police and crime panels,
 - (c) the Secretary of State, or
 - (d) any other person.
- (7) That includes functions involving the exercise of a discretion.
- (8) Sub-paragraphs (2) to (7) do not limit the power conferred by sub-paragraph (1).

PART 2

SUSPENSION AND REMOVAL OF CHIEF CONSTABLES

Suspension

- 11 If a police and crime commissioner suspends a chief constable from duty under section 38, the commissioner must notify the relevant police and crime panel of the suspension.

Removal: general

- 12 (1) A police and crime commissioner must not call upon a chief constable to retire or resign until the end of the scrutiny process has been reached.
- (2) The end of the scrutiny process is reached when the first of the following events occurs—
- (a) the period of six weeks mentioned in paragraph 15(3) has ended without the panel having given the police and crime commissioner any recommendation as to whether or not the commissioner should call for the retirement or resignation;
 - (b) the police and crime commissioner notifies the panel under paragraph 16(2) of the decision whether or not to accept the panel's recommendation in relation to the resignation or retirement.

Removal: notification and representations

- 13 (1) A police and crime commissioner must comply with this paragraph before calling upon a chief constable to retire or resign under section 38.
- (2) The police and crime commissioner must give the chief constable a written explanation of the reasons why the commissioner is proposing to call for the retirement or resignation.
- (3) The police and crime commissioner must give the relevant police and crime panel—

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

- (a) written notification that the commissioner is proposing to call upon the chief constable to retire or resign; and
 - (b) a copy of the reasons given to the chief constable in accordance with sub-paragraph (1).
- (4) The police and crime commissioner must give the chief constable the opportunity to make written representations about the proposal to call for the chief constable's resignation or retirement.
- (5) The police and crime commissioner must—
- (a) consider any written representations made by the chief constable; and
 - (b) give the relevant police and crime panel a copy of any such representations made by the chief constable, as soon as practicable after the commissioner is given them.

Removal: further notification

- 14 (1) A police and crime commissioner must comply with this paragraph if, after complying with paragraph 13, the police and crime commissioner is still proposing to call upon the chief constable to retire or resign under section 38.
- (2) The police and crime commissioner must notify—
- (a) the chief constable, and
 - (b) the relevant police and crime panel,
- that the commissioner is still proposing to call upon the chief constable to retire or resign.

Removal: role of panel

- 15 (1) This paragraph applies if a police and crime panel is given a notification under paragraph 14.
- (2) The panel must make a recommendation to the police and crime commissioner as to whether or not the commissioner should call for the retirement or resignation.
- (3) The recommendation must be given to the police and crime commissioner in writing before the end of the period of six weeks beginning with the day on which the panel receives the notification under paragraph 14.
- (4) Before making the recommendation, the panel—
- (a) may consult the chief inspector of constabulary, and
 - (b) must hold a scrutiny hearing.
- (5) The panel must publish the recommendation made under this paragraph.
- (6) It is for the panel to determine the manner in which the recommendation is to be published in accordance with sub-paragraph (5).
- (7) In calculating the period of six weeks mentioned in sub-paragraph (3), any relevant post-election period is to be ignored.
- (8) For that purpose, “relevant post-election period” means the period that—
- (a) begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50, and

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

- (b) ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance of office under section 70.
- (9) For the purposes of this Part a “scrutiny hearing” is a meeting of the panel, held in private, which the police and crime commissioner and the chief constable are both entitled to attend for the purpose of making representations relating to the proposal to call upon the chief constable to retire or resign.
- (10) References in this Part to a person appearing at a meeting of the panel are references to the person—
 - (a) attending the meeting in person, or
 - (b) not attending the meeting in person, but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.

Removal: consideration of panel’s recommendation

- 16 (1) The police and crime commissioner—
- (a) must consider the panel’s recommendation given under paragraph 15, and
 - (b) having considered the recommendation, may accept or reject it.
- (2) The police and crime commissioner must notify the panel of the decision whether or not to accept the recommendation.

PART 3

SUSPENSION AND REMOVAL OF OTHER SENIOR POLICE OFFICERS

Senior police officers

- 17 In this Part of this Schedule “senior police officer” means—
- (a) a deputy chief constable, or
 - (b) an assistant chief constable.

Suspension

- 18 If a chief constable suspends a senior police officer from duty under section 39 or 40, the chief constable must notify the relevant police and crime commissioner of the suspension.

Removal

- 19 (1) A chief constable must comply with this paragraph before calling upon a senior police officer to retire or resign under section 39 or 40.
- (2) The chief constable must give the senior police officer a written explanation of the reasons why the chief constable is proposing to call for the retirement or resignation.
- (3) The chief constable must give the senior police officer the opportunity to make written representations about the proposal to call for the senior police officer’s retirement or resignation.

- (4) The chief constable must consider any written representations made by the senior police officer.
- 20 (1) This paragraph applies if, after complying with paragraph 19, the chief constable is still proposing to call upon the senior police officer to retire or resign under section 39 or 40.
- (2) Before calling for the retirement or resignation, the chief constable must consult the relevant police and crime commissioner.

SCHEDULE 9

Section 57

SUPPLEMENTARY VOTE SYSTEM

Application

- 1 This Schedule applies to an election under Chapter 6 of Part 1 of a police and crime commissioner for a police area at which there are three or more candidates.

First preference vote and second preference vote

- 2 In this Schedule—
- “first preference vote” means a vote to the extent that it is given so as to indicate a first preference from among the candidates to be the police and crime commissioner;
- “second preference vote” means a vote to the extent that it is given so as to indicate a second preference from among the candidates to be the police and crime commissioner.

Candidate with overall majority of first preference votes

- 3 If one of the candidates to be the police and crime commissioner receives more than half of all the first preference votes given in the police area, that candidate is to be returned as the police and crime commissioner.

No candidate with overall majority of first preference votes

- 4 (1) If none of the candidates to be the police and crime commissioner receives more than half of all the first preference votes given in the police area, the following provisions of this paragraph apply.
- (2) The two candidates who received the greatest number of first preference votes given in the police area remain in the contest.
- (3) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (2), all of them remain in the contest.
- (4) The other candidates are eliminated from the contest.

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

- (5) The number of second preference votes given in the police area for each of the candidates remaining in the contest by votes which did not give a first preference vote to any of those candidates must be ascertained.
- (6) That number must be added to the number of first preference votes given for that candidate, to give the total number of preference votes for that candidate.
- (7) The person who is to be returned as the police and crime commissioner for the police area is that one of the candidates remaining in the contest who has the greatest total number of preference votes.
- (8) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest total number of preference votes, the police area returning officer must decide by lots which of them is to be returned as the police and crime commissioner.

SCHEDULE 10

Section 74

ELECTIONS OF POLICE AND CRIME COMMISSIONERS: CONSEQUENTIAL AMENDMENTS

Local Government Act 1972

- 1 The Local Government Act 1972 is amended as follows.
- 2 In section 67 (consequential and transitional arrangements relating to Part 4), after subsection (5) insert—
 - “(5A) Without prejudice to subsection (5), an order under section 58 which makes provision altering any police areas may make provision as to who is to be a police and crime commissioner, including—
 - (a) provision for the police and crime commissioner for a police area affected by the order to become the police and crime commissioner for a police area resulting from the order;
 - (b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.
 - (5B) Such an order which includes provision within subsection (5A)(b) may, in particular, require the election in question to be held before the alteration of police areas takes effect.”

Representation of the People Act 1983

- 3 In section 13B(4) of the Representation of the People Act 1983 (alteration of registers: pending elections), omit “and” at the end of paragraph (d) and after paragraph (f) insert “and
 - (g) elections of police and crime commissioners in England and Wales.”

Police Act 1996

- 4 The Police Act 1996 is amended as follows.
- 5 (1) Section 32 (power to alter police areas by order) is amended as follows.

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

- (2) In subsection (3)(a), for “police authority” substitute “local policing body”.
- (3) In subsection (4), after “ensure that” insert “no police area falls partly in England and partly in Wales and that”.
- 6 In section 33(1)(a) (objection to alterations proposed by Secretary of State) for “police authority” substitute “local policing body”.
- 7 (1) Section 34 (orders altering police areas: supplementary provisions) is amended as follows.
- (2) For subsection (1)(a), substitute—
- “(a) provision as to who is to be a police and crime commissioner;”.
- (3) After subsection (1) insert—
- “(1A) Provision falling within subsection (1)(a) includes, in particular—
- (a) provision for the police and crime commissioner for a police area affected by the order to become the police and crime commissioner for a police area resulting from the order;
- (b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.”
- (4) In subsection (2)—
- (a) omit “and” at the end of paragraph (a), and
- (b) after paragraph (b) insert “and
- (c) to apply (with or without modification) any provision of, or made under, Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011.”
- (5) After subsection (2) insert—
- “(2A) An order under section 32 which includes provision within subsection (1A) (b) may, in particular require the election in question to be held before the alteration of police areas takes effect.”

Political Parties, Elections and Referendums Act 2000

- 8 The Political Parties, Elections and Referendums Act 2000 is amended as follows.
- 9 In section 5 (reports on elections and referendums)—
- (a) in subsection (2), after paragraph (e) insert—
- “(f) an ordinary election of police and crime commissioners.”;
- (b) in subsection (2A), omit “or” after paragraph (b), and after paragraph (c) insert “or
- (d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);”.
- 10 In section 6A (attendance of representatives of Commission at elections), in subsection (5), after paragraph (d) insert—
- “(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);”.

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

- 11 In section 7 (Commission to be consulted on changes to electoral law), in subsection (2), after paragraph (h) insert—
- “(ha) an order under subsection (1)(b) of section 54 of the Police Reform and Social Responsibility Act 2011 (designations of returning officers for elections of persons as police and crime commissioners in England and Wales);
 - (hb) regulations under subsection (2) of that section (functions of returning officers and local returning officers for such elections);
 - (hc) an order under section 58 of that Act (conduct of elections of persons as police and crime commissioners in England and Wales);”.
- 12 In section 8 (powers with respect to elections exercisable only on Commission recommendation), in subsection (3), after paragraph (c) insert—
- “(d) the making of orders under section 58 of the Police Reform and Social Responsibility Act 2011 so far as relating to the matters mentioned in subsection (2)(d) of that section (funding and expenditure of candidates, political parties and other persons in connection with elections of persons as police and crime commissioners in England and Wales).”
- 13 In section 9A (setting of performance standards), in subsection (6), after paragraph (d) insert—
- “(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);”.

Local Government and Public Involvement in Health Act 2007

- 14 (1) Section 15 of the Local Government and Public Involvement in Health Act 2007 (structural and boundary change in England: incidental etc provision in orders or regulations) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “police authority” in both places where it occurs substitute “local policing body”;
 - (b) after paragraph (f) insert—
 - “(fa) as to who is to be a police and crime commissioner;”.
- (3) After subsection (1) insert—
- “(1A) Provision falling within subsection (1)(fa) includes, in particular—
 - (a) provision for the police and crime commissioner for a police area affected by an order by virtue of provision made under section 11(4)(g) to become the police and crime commissioner for a police area resulting from the order;
 - (b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.”
- (4) After subsection (3) insert—
- “(3A) Without prejudice to subsection (2), an order under section 7 or 10 which includes provision within subsection (1A)(b) may, in particular, require the election in question to be held before the alteration of police areas takes effect.”

SCHEDULE 11

Section 88

CRIME AND DISORDER STRATEGIES

- 1 The Crime and Disorder Act 1998 is amended as follows.
- 2 (1) Section 5 (authorities responsible for strategies) is amended as follows.
 - (2) Omit subsection (1)(c).
 - (3) For subsections (1A) and (1B) substitute—
 - “(1A) The relevant local policing body in relation to two or more local government areas in England may make a combination agreement with the responsible authorities in relation to those areas (the “combined area”).
 - (1B) A combination agreement is an agreement for the functions conferred by or under section 6 or by section 7 to be carried out in relation to the combined area as if it constituted only one local government area.
 - (1BA) The responsible authorities in relation to a combined area are all the persons who are the responsible authorities in relation to each local government area that falls within the combined area.
 - (1BB) Section 5A contains further provision about the making and contents of combination agreements.”.
 - (4) In subsection (1C) for “An order under subsection (1A) above” substitute “A combination agreement”.
 - (5) In subsection (1D), in the definition of “crime and disorder scrutiny functions”, for “an order under subsection (1A) above” substitute “a combination agreement”.
 - (6) After subsection (1D) insert—
 - “(1E) The “relevant local policing body”, in relation to a combined area, is—
 - (a) if the area falls (wholly or partly) within the police area of a police and crime commissioner, the commissioner,
 - (b) if the area falls (wholly or partly) within the metropolitan police district, the Mayor’s Office for Policing and Crime, and
 - (c) if the area falls partly within the City of London, the Secretary of State.
 - (1F) If there is more than one relevant local policing body in relation to a combined area by virtue of subsection (1E), the references in subsection (1A) above and section 5A(2) to the relevant local policing body in relation to the combined area are references to each of the relevant local policing bodies for that area acting jointly.”.
 - (7) In subsection (2) for “those functions” substitute “the functions conferred by or under section 6”.
 - (8) In subsection (5), omit—
 - (a) the word “and” at the end of the definition of “fire and rescue authority”, and
 - (b) the definition of “police authority”.
- 3 After section 5 insert—

“5A Combination agreements: further provision

- (1) A combination agreement for a combined area may be made only if every responsible authority in relation to that area is a party to the agreement.
 - (2) The relevant local policing body for a combined area may enter into a combination agreement for that area only if it considers that it would be in the interests of one or more of the following to do so—
 - (a) reducing crime and disorder;
 - (b) reducing re-offending;
 - (c) combating the misuse of drugs, alcohol and other substances.
 - (3) Subsections (4) to (6) apply if a combined area in relation to a combination agreement includes (wholly or partly) the area of more than one police area.
 - (4) The combination agreement must include arrangements for securing effective and efficient co-operation—
 - (a) between each of the relevant local policing bodies in relation to the combined area, and
 - (b) between the responsible authorities for the area and those relevant local policing bodies.
 - (5) The Secretary of State must be a party to the agreement (if not already a party by virtue of being a relevant local policing body in relation to the combined area).
 - (6) The Secretary of State may enter into the agreement only if the Secretary of State—
 - (a) considers that it would be in the interests of one or more of the matters mentioned in subsection (2), and
 - (b) is satisfied that the arrangements mentioned in subsection (4) are adequate for the purposes of securing effective and efficient co-operation in the carrying out of functions under section 6.
 - (7) A combination agreement—
 - (a) must be in writing, and
 - (b) may be varied by a further combination agreement.
 - (8) A combination agreement may be terminated by agreement in writing between the parties to it; and subsection (2), and (as the case may be) (6)(a), applies to an agreement under this subsection.
 - (9) In this section “combination agreement”, “combined area” and “relevant local policing body” have the same meanings as in section 5.”.
- 4 (1) Section 6 (formulation and implementation of strategies) is amended as follows.
- (2) In subsection (1), after “section 5” insert “, with subsection (1A),”.
 - (3) After subsection (1) insert—
 - “(1A) In exercising functions under subsection (1), apart from devolved Welsh functions (as defined by section 5(8)), each of the responsible authorities for a local government area must have regard to the police and crime objectives

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set out in the police and crime plan for the police area which comprises or includes that local government area.”.

(4) In subsection (3) after paragraph (c) insert—

“(ca) the conferring of functions on a police and crime commissioner for a police area in England in relation to the formulation and implementation of a strategy for any local government area that lies in that police area;”.

(5) After subsection (4) insert—

“(4A) Provision under subsection (3)(ca) may include provision—

- (a) for a police and crime commissioner to arrange for meetings to be held for the purpose of assisting in the formulation and implementation of any strategy (or strategies) that the commissioner may specify that relate to any part of the police area of the commissioner,
- (b) for the commissioner to chair the meetings, and
- (c) for such descriptions and numbers of persons to attend the meetings as the commissioner may specify (including, in particular, representatives of the responsible authorities in relation to the strategies to be discussed at the meetings).”.

5 (1) Section 7 (supplemental) is amended as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” (in the first place) substitute “relevant local policing body for that area”,
- (b) for “the Secretary of State” (in the second place) substitute “that body”, and
- (c) after “section 6 above” insert “, apart from devolved Welsh functions (as defined by section 5(8)),”.

(3) After subsection (1) insert—

“(1A) The relevant local policing body in relation to a local government area may require a report under subsection (1) only if—

- (a) the body is not satisfied that the responsible authorities for the area are carrying out their functions under section 6 in an effective and efficient manner, and
- (b) the body considers it reasonable and proportionate in all the circumstances to require a report.”

(4) In subsection (3)—

- (a) for “Secretary of State” substitute “relevant local policing body”, and
- (b) for “him” substitute “the body”.

(5) After subsection (3) insert—

“(4) Relevant local policing body”, in relation to a local government area, means—

- (a) if the area (or any part of it) falls within the police area of a police and crime commissioner, the commissioner,
- (b) if the area (or any part of it) falls within the metropolitan police district, the Mayor’s Office for Policing and Crime, and

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- (c) if the area (or any part of it) is the City of London, the Secretary of State.
- (5) If there is more than one relevant local policing body in relation to a combined area that is to be treated as one local government area under a combination agreement (see section 5(1A))—
- (a) a report submitted under subsection (1) is to be submitted to each of the relevant local policing bodies for the combined area, and
 - (b) references in this section to any requirement or arrangement made by the relevant local policing body are references to a requirement or arrangement made by each of the relevant local policing bodies for the combined area acting jointly.”.

SCHEDULE 12

Section 89

COLLABORATION AGREEMENTS

- 1 The Police Act 1996 is amended as follows.
- 2 (1) Section 23 (police force collaboration agreements) is amended in accordance with this paragraph.
- (2) In the title, for “**Police force collaboration agreements**” substitute “**Collaboration agreements involving police forces**”.
- (3) Omit subsection (1).
- (4) In subsection (2), for the words before paragraph (a) substitute—
- “(2) Force collaboration provision may, in particular, consist of provision—”.
- (5) Omit subsection (3).
- (6) In subsection (4), for “An agreement” substitute “A collaboration agreement”.
- (7) In subsection (5), for “an agreement” substitute “a collaboration agreement”.
- (8) Omit subsections (6), (7) and (8).
- 3 (1) Section 23A (police authority collaboration agreements) is amended in accordance with this paragraph.
- (2) For the title substitute “**Collaboration agreements involving policing bodies**”.
- (3) Omit subsection (1).
- (4) In subsection (2)—
- (a) for the words before paragraph (a) substitute—

“(2) Policing body collaboration provision, or policing body & force collaboration provision, may, in particular, consist of provision—”;
 - (b) in paragraphs (a) and (b), for “authorities” substitute “policing bodies”;
 - (c) in paragraph (c)—
 - (i) for “an authority” substitute “a policing body”;

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- (ii) for “another authority” (in each place) substitute “another policing body”.
- (5) In subsection (3), for “In this section” substitute “In relation to policing body collaboration provision, or policing body & force collaboration provision,”.
- (6) Omit subsection (4).
- (7) In subsection (5)—
 - (a) for “A police authority may make an agreement” substitute “A policing body may make a collaboration agreement”;
 - (b) for “police authorities” substitute “policing bodies”.
- (8) For subsection (6), substitute—

“(6) A policing body must consult the chief officer of police of the police force which the body is responsible for maintaining before making a collaboration agreement (unless that chief officer is a party to the agreement).”.
- (9) Omit subsection (7).
- 4 (1) Section 23B (collaboration agreements: payments) is amended in accordance with this paragraph.
- (2) In subsection (1), for “relevant police authorities” substitute “parties to the agreement”.
- (3) In subsection (2)—
 - (a) after “may” insert “in the case of policing bodies or chief officers of police who are parties to the agreement”;
 - (b) in paragraph (a), for “authorities” (in each place) substitute “policing bodies or chief officers of police”.
- (4) In subsection (3), for “A relevant police authority” substitute “A policing body or chief officer of police”.
- (5) Omit subsections (4) and (5).
- 5 (1) Section 23C (collaboration agreements: consultation and supplemental) is amended in accordance with this paragraph.
- (2) Omit subsection (1).
- (3) After subsection (5) insert—

“(6) If circumstances are such that one or more of the parties to a collaboration agreement would not, at a particular time, have power to enter into a collaboration agreement of that description (whether because of a failure to meet the requirements of section 22A(1) or (5) or otherwise) each person who does not have that power must cease to be a party to the agreement.”.
- 6 (1) Section 23D (collaboration agreements: accountability) is amended as follows.
- (2) In subsection (1)—
 - (a) for “police force collaboration agreement” substitute “collaboration agreement”;
 - (b) for “police authority” substitute “policing body”.

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- (3) In subsection (2), for “approving an agreement as mentioned in section 23(6), a police authority” substitute “making a collaboration agreement to which a chief officer of police is to be a party, a policing body”.
- (4) In subsection (3)—
- (a) for “police authority” (in each place) substitute “policing body”;
 - (b) for “consider making” substitute “make”.
- (5) In subsection (4), for “police authority” substitute “policing body”.
- 7 In section 23E (collaboration agreements: publication), in subsection (2), for the words before “must” substitute “In a case where information is notified to a chief officer of police under section 23D(2), that information”.
- 8 In section 23F (collaboration agreements: guidance), for “police authorities” (in each place) substitute “policing bodies”.
- 9 In section 23G (collaboration agreements: directions), in subsections (1) and (2), for “police authorities” substitute “policing bodies”.
- 10 After section 23H insert—

“23HA Decisions about efficiency or effectiveness

In reaching a conclusion about whether or not a collaboration agreement is, or would be, in the interests of efficiency or effectiveness of one or more police forces (the “police forces under consideration”), a person must, in particular, consider—

- (a) the existing collaboration agreements, and other arrangements for co-operation, to which the police forces under consideration are parties;
 - (b) the desirability of police forces taking a consistent approach in making such agreements and other arrangements; and
 - (c) the opportunities available to the police forces under consideration to make such agreements and other arrangements.”.
- 11 (1) Section 23I (collaboration agreements: definitions) is amended in accordance with this paragraph.
- (2) In subsection (1), for “23” substitute “22A”.
- (3) In subsection (4), for the words before paragraph (a) insert—
- “ (4) Policing body” means—
- (aa) a local policing body;”.
- (4) After subsection (4) insert—
- “ (5) The following expressions have the meanings given in section 22A—
- “collaboration agreement”;
- “force collaboration provision”;
- “policing body collaboration provision”;
- “policing body & force collaboration provision”.
- (6) References to the police force which a policing body is responsible for maintaining include—

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- (a) in the case of the British Transport Police Authority, the British Transport Police, and
 - (b) in the case of the Civil Nuclear Police Authority, the Civil Nuclear Constabulary.
- (7) References to a police force include—
- (a) references to the special constables appointed by a chief officer of police, and
 - (b) references to the civilian employees of the police force;
- and references to the members of a police force are to be read accordingly.
- (8) For that purpose “civilian employee” means—
- (a) in the case of a police force maintained under section 2 or 5A, the members of the civilian staff of that force;
 - (b) in the case of any other police force, the employees of the policing body responsible for maintaining that force who are under the direction and control of the chief officer of police of that force.”

SCHEDULE 13

Section 90

POLICE POWERS FOR CIVILIAN EMPLOYEES UNDER COLLABORATION AGREEMENTS

Police Act 1996

1 After section 23A of the Police Act 1996 insert—

“23AA Force collaboration provision about civilian employees

- (1) This section applies to force collaboration provision, contained in a collaboration agreement, which is about the discharge of functions by designated civilian employees of one police force (the “assisting force”) for the purposes of another police force (the “assisted force”).
- (2) The force collaboration provision must specify—
 - (a) the functions which the designated civilian employees are permitted by the collaboration agreement to discharge for the purposes of the assisted force, and
 - (b) any restrictions or conditions on that permission for the designated civilian employees to discharge those functions.
- (3) The force collaboration provision must not permit the designated civilian employees to discharge functions for the purposes of the assisted force unless those employees are, by virtue of the relevant section 38 designation, authorised to discharge those functions for the purposes of the assisting force.
- (4) The force collaboration provision does not authorise the designated civilian employees to discharge functions for the purposes of the assisted force (but see section 38B of the Police Reform Act 2002).

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

- (5) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force include references to—
- (a) the joint discharge of functions by the civilian employees and members of the assisted police force,
 - (b) the discharge of functions by the civilian employees in the assisted force’s area, and
 - (c) the provision of the civilian employees to the assisted force.
- (6) In this section—
- “designated”, in relation to a civilian employee of a police force, means designated by the chief officer of police of that force by a section 38 designation;
- “relevant section 38 designation”, in relation to a designated civilian employee, means the section 38 designation relating to the employee;
- “section 38 designation” means a designation under section 38 of the Police Reform Act 2002.”.

Police Reform Act 2002

- 2 The Police Reform Act 2002 is amended as follows.
- 3 After section 38A insert—

“38B Police powers for civilian employees under collaboration agreements

- (1) The chief officer of police of a police force (the “assisted force”) may designate a person (“C”) who—
- (a) is a civilian employee of another police force (the “assisting force”),
 - (b) is designated under section 38 by the chief officer of police of the assisting police force (the “section 38 designation”), and
 - (c) is permitted, under relevant police collaboration provision, to discharge powers and duties specified in that provision for the purposes of the assisted force.
- (2) The designation under subsection (1) (the “collaboration designation”) must designate C as an officer of one or more of the descriptions specified in section 38(2).
- (3) The collaboration designation may designate C as an officer of a particular description specified in section 38(2) only if the section 38 designation designates C as an officer of that description.
- (4) C shall have the powers and duties conferred or imposed on C by the collaboration designation.
- (5) A power or duty may be conferred or imposed on C by the collaboration designation only if C is permitted, under the relevant police collaboration provision, to discharge that power or duty for the purposes of the assisted force.

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

- (6) C shall not be authorised or required by virtue of the collaboration designation to engage in any conduct otherwise than in the course of discharging a power or duty conferred or imposed on C by the collaboration designation.
- (7) The collaboration designation must specify the restrictions and conditions to which C is subject in the discharge of the powers and duties conferred or imposed by the collaboration designation.
- (8) Those restrictions and conditions must include the restrictions and conditions specified in the relevant police collaboration provision.
- (9) C is authorised or required to discharge any power or duty conferred or imposed by the collaboration designation subject to the restrictions and conditions specified in the collaboration designation.
- (10) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force have the same meaning as in section 23B of the Police Act 1996.
- (11) In this section—
 - “civilian employee” has the meaning given by section 23I of the Police Act 1996;
 - “relevant police collaboration provision” means provision, contained in a collaboration agreement under section 22A of the Police Act 1996, which is of the kind referred to in section 23AA of that Act.

38C Designations under section 38B: supplementary provision

- (1) The collaboration designation of C must be in accordance with the relevant police collaboration provision.
 - (2) Subsection (1) is in addition to section 38B(5) and (8).
 - (3) Subsections (8) and (9) of section 38 apply to any power exercisable by C in reliance on the collaboration designation as they apply to a power exercisable by a person in reliance on a designation under section 38.
 - (4) In exercising or performing any power or duty in reliance on the collaboration designation, C is to be taken—
 - (a) as exercising or performing that power or duty in reliance on that collaboration designation (and not in reliance on any designation under section 38); and
 - (b) accordingly, as not being a designated person (within the meaning of section 46(1)) by virtue of any designation under section 38.
 - (5) Expressions used in this section and section 38B have the same meanings in this section as in section 38B.”.
- 4 (1) Section 42 (supplementary provisions relating to designations and accreditations) is amended in accordance with this paragraph.
- (2) In subsection (1), after “section 38” insert “, 38B”.
 - (3) After subsection (2) insert—

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

“(2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—

- (a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and
- (b) identified or described in the designation.

In this subsection, “assisted force” and “assisting force” have the same meanings as in section 38B.”

(4) In subsection (2A), after “subsection (2)” insert “or (2ZA)”.

(5) In subsection (2B), after “section 38” insert “(in relation to subsection (2)) or section 38B (in relation to subsection (2ZA))”.

(6) In subsection (3), after “section 38” insert “, 38B”.

(7) After subsection (7) insert—

“(7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee’s employment by the employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.”

5 In section 46 (offences against designated and accredited persons etc), after subsection (4) insert—

“(5) References in this section to a designated person are to—

- (a) a designated person within the meaning given by section 47(1), and
- (b) a person in relation to whom a designation under section 38B is for the time being in force.”

Railways and Transport Safety Act 2003

6 In section 28 of the Railways and Transport Safety Act 2003 (exercise of powers by civilians), after subsection (1)(aa) insert—

“(ab) sections 38B and 38C (police powers for civilian employees under collaboration agreements).”

SCHEDULE 14

Section 95

POLICE: COMPLAINTS

Introduction

1 The Police Reform Act 2002 is amended in accordance with this Schedule.

Membership and proceedings of Independent Police Complaints Commission

- 2 In section 9(2)(b) (minimum number of members of Commission), for “ten” substitute “five”.
- 3 In Schedule 2 (the Independent Police Complaints Commission), in paragraph 10 (proceedings), omit sub-paragraph (6).

Complaints about policing

- 4 Omit section 14 (direction and control matters).
- 5 (1) In section 29(1) (interpretation of Part 2), in the definition of “conduct” in subsection (1), for “and statements” substitute “, statements and decisions”.
- (2) In Schedule 3 (handling of complaints and conduct matters), in paragraph 4 (reference of complaints to the Commission), after sub-paragraph (7) insert—
 - “(8) In a case where—
 - (a) a complaint relates to a direction and control matter, and
 - (b) there is no obligation under this paragraph for the appropriate authority to refer the complaint to the Commission,the appropriate authority may refer the complaint to the Commission under this paragraph only if the Commission consents.”.
- 6 In consequence of paragraph 4—
 - (a) in section 10 (general functions of the Commission), omit subsection (8);
 - (b) in section 13 (handling of complaints, conduct matters and DSI matters etc), omit “subject to section 14(1)”.

Power of local policing body to direct chief officer of police to comply with obligations

- 7 In section 15 (general duties of local policing bodies, chief officers and inspectors), after subsection (2) insert—
 - “(2A) Subsection (2B) applies in a case where it appears to a local policing body that—
 - (a) an obligation to act or refrain from acting has arisen by or under this Part,
 - (b) that obligation is an obligation of the chief officer of police of the police force which is maintained by the local policing body, and
 - (c) the chief officer has not yet complied with that obligation, or has contravened it.
 - (2B) The local policing body may direct the chief officer to take such steps as the local policing body thinks appropriate.
 - (2C) The chief officer must comply with any direction given under subsection (2B).”.

Initial handling and recording of complaints

- 8 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 2 (initial handling and recording of complaints) is amended in accordance with sub-paragraphs (2) to (5).

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

(2) For sub-paragraph (1) substitute—

“(1) Where a complaint is made to the Commission, it shall give notification of the complaint to the appropriate authority.

(1A) But the Commission need not give that notification if the Commission considers that there are exceptional circumstances that justify its not being given.”.

(3) Omit sub-paragraph (4).

(4) In sub-paragraph (5)—

(a) in the words before sub-paragraph (a)—

(i) omit the words from “or the Commission” to “sub-paragraph (4)”;

(ii) omit “or, as the case may be, the Commission”;

(b) omit sub-paragraph (b) (and the word “or” preceding it).

(5) After sub-paragraph (7) insert—

“(8) Nothing in this paragraph shall require the recording by any person of any complaint about any conduct if that person considers that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph.”.

(6) In consequence of the amendments made by sub-paragraphs (2) to (5)—

(a) in section 12(2) (complaints, matters and persons to which Part 2 applies), omit “, paragraph 2(4) of Schedule 3”;

(b) in section 29(1) (interpretation of Part 2), omit paragraph (b) of the definition of “recordable conduct matter”.

Handling of complaints by the appropriate authority

9 (1) In Schedule 3 (handling of complaints and conduct matters), for paragraph 6 (handling of complaints by the appropriate authority) substitute—

“6 (1) This paragraph applies where a complaint has been recorded by the appropriate authority.

(2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the Commission under paragraph 4, unless the complaint is for the time being—

(a) referred back to the authority under paragraph 5, or

(b) the subject of a determination under paragraph 15.

(3) Subject to paragraph 7, the appropriate authority shall determine whether or not the complaint is suitable for being subjected to local resolution.

(4) If the appropriate authority determines that the complaint is suitable for being subjected to local resolution, it shall make arrangements for it to be so subjected.

(5) If the appropriate authority determines that the complaint is not so suitable, it shall make arrangements for the complaint to be investigated by the authority on its own behalf.

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- (6) A determination that a complaint is suitable for being subjected to local resolution may not be made unless the following conditions are both met.
 - (7) The first condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings against the person whose conduct is complained of.
 - (8) The second condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not involve the infringement of a person’s rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).
 - (9) In a case where this paragraph applies to a complaint by virtue of sub-paragraph (2)(b), a determination that the complaint is suitable for being subjected to local resolution may not be made unless the Commission approves the determination.
 - (10) No more than one application may be made to the Commission for the purposes of sub-paragraph (9) in respect of the same complaint.
 - (11) Sub-paragraph (9) (where applicable) is in addition to sub-paragraphs (6) to (8).”.
- (2) In paragraphs 7(6)(a) and 16(1)(a) of that Schedule, for “paragraph 6(2)” substitute “paragraph 6(3)”.
 - (3) In section 22 (power of the Commission to issue guidance), in subsection (5)(c), omit sub-paragraph (ii) (and the word “and” at the end of sub-paragraph (i)).”.

Disapplication of requirements of Schedule 3 to 2002 Act

- 10 (1) Schedule 3 (handling of complaints and conduct matters) is amended in accordance with this paragraph.
- (2) In the italic heading that precedes paragraph 7 (dispensation by the Commission from requirements of Schedule 3 to 2002 Act), for “*Dispensation by the Commission from*” substitute “*Disapplication of*”.
- (3) Paragraph 7 is amended in accordance with the following provisions of this paragraph.
- (4) In sub-paragraph (1), omit “apply to the Commission, in accordance with the regulations, for permission to”.
- (5) After sub-paragraph (1) insert—
 - “(1A) But, in a case where paragraph 6 applies by virtue of paragraph 6(2)(a) or (b), the appropriate authority may not handle the complaint in whatever manner (if any) the authority thinks fit unless—
 - (a) the authority applies to the Commission, in accordance with the regulations, for permission to so handle the complaint, and
 - (b) the Commission gives permission.”.
- (6) For sub-paragraph (2) substitute—

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- “(2) The appropriate authority shall notify the complainant—
- (a) that the appropriate authority has decided to handle the complaint as permitted by sub-paragraph (1) (in a case where the appropriate authority is not required to apply for permission under sub-paragraph (1A) to so handle the complaint); or
 - (b) about the making of the application under sub-paragraph (1A) (in a case where the appropriate authority makes such an application).”.

(7) In sub-paragraph (5)—

- (a) for the words before paragraph (a) substitute—

“(5) Where the complaint is to be handled in whatever manner (if any) the authority thinks fit (whether or not the Commission’s permission is needed), the authority—”;

- (b) in sub-paragraph (b), for “but for the permission” substitute “if it were not proceeding in accordance with this paragraph”.

(8) In sub-paragraph (6)—

- (a) after “Where” insert “the appropriate authority applies to the Commission under sub-paragraph (1A) and”;
- (b) omit “under this paragraph”.

Conduct matters arising in civil proceedings

11 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 10 (conduct matters arising in civil proceedings) is amended in accordance with sub-paragraphs (2) to (4).

(2) In sub-paragraph (3), for “record that matter” substitute “determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13 or is one which it would be appropriate to so refer”.

(3) For sub-paragraph (4) substitute—

“(4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(4A) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(4B) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(4C) In any other case, the appropriate authority may (but need not) record the matter.

(4D) In a case where the appropriate authority—

- (a) records a matter under this paragraph, and
- (b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,

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the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.”.

(4) In sub-paragraph (5), for “sub-paragraph (3)” substitute “sub-paragraph (4) or (4B)”.

(5) In paragraph 16(2)(a) of Schedule 3, for “10(4)(b)” substitute “10(4D)”.

Recording etc of conduct matters in other cases

12 (1) In Schedule 3 (handling of complaints and conduct matters), paragraph 11 (recording etc of conduct matters in other cases) is amended in accordance with sub-paragraphs (2) to (4).

(2) In sub-paragraph (1)—

(a) for the words before paragraph (a) substitute—

“(1) This paragraph applies where—”;

(b) omit the words after paragraph (b).

(3) For sub-paragraph (3) substitute—

“(3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer.

(3A) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(3B) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(3C) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(3D) In any other case, the appropriate authority may (but need not) record the matter.

(3E) In a case where the appropriate authority—

(a) records a matter under this paragraph, and

(b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.”.

(4) In sub-paragraph (4), for “sub-paragraph (1)” substitute “sub-paragraph (3A) or (3C)”.

(5) In paragraph 16(2)(a) of Schedule 3, for “11(3)(b)” substitute “11(3E)”.

Power to discontinue an investigation

13 (1) Schedule 3 (handling of complaints and conduct matters) is amended in accordance with this paragraph.

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

- (2) In the italic heading that precedes paragraph 21 (power of the Commission to discontinue an investigation), omit “*of the Commission*”.
- (3) Paragraph 21 is amended in accordance with the following provisions of this paragraph.
- (4) For sub-paragraph (1) substitute—
- “(1) The Commission may by order require the discontinuance of the investigation of a complaint or matter if (whether on the application of the appropriate authority or otherwise) it appears to the Commission that—
- (a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and
- (b) discontinuance of the investigation is within the Commission’s power.
- (1A) The appropriate authority that is investigating a complaint or matter may discontinue the investigation if it appears to that authority that—
- (a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and
- (b) discontinuance of the investigation is not within the Commission’s power.
- (1B) For the purposes of this paragraph—
- (a) discontinuance of the investigation of a complaint is within the Commission’s power if—
- (i) the investigation is being undertaken by the appropriate authority on its own behalf and the complaint is one required to be referred to the Commission under paragraph 4; or
- (ii) the investigation is under the supervision or management of the Commission;
- (b) discontinuance of the investigation of a matter other than a complaint is within the Commission’s power if the investigation is under the supervision or management of the Commission.”.
- (5) After sub-paragraph (3) insert—
- “(3A) Where the appropriate authority discontinues an investigation under sub-paragraph (1A), the appropriate authority shall give notification of the discontinuance—
- (a) to every person entitled to be kept properly informed in relation to the investigation under section 21; and
- (b) in a case where the investigation that is discontinued is an investigation of a complaint, to the complainant.”.
- (6) In sub-paragraph (4), for “in accordance with this paragraph” substitute “in accordance with an order under sub-paragraph (1)”.
- (7) After sub-paragraph (5) insert—

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

“(6) Where an investigation of a complaint, recordable conduct matter or DSI matter is discontinued in accordance with sub-paragraph (1A)—

- (a) the appropriate authority may take any such steps of a description specified in regulations made by the Secretary of State as he or it considers appropriate for purposes connected with the discontinuance of the investigation; and
- (b) subject to the preceding paragraphs, neither the appropriate authority nor the Commission shall take any further action in accordance with the provisions of this Schedule in relation to that complaint or matter.”.

Duties with respect to disciplinary proceedings

- 14 (1) Schedule 3 is amended in accordance with this paragraph.
- (2) In paragraph 23 (action by the Commission in response to an investigation report under paragraph 22), in sub-paragraph (6)(a), after sub-paragraph (i) insert—
“(ia) whether or not any such person’s performance is unsatisfactory, and”.
- (3) In paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22), in sub-paragraph (6)(a), after sub-paragraph (i) insert—
“(ia) whether or not any such person’s performance is unsatisfactory, and”.
- (4) In paragraph 25 (appeals to the Commission with respect to an investigation)—
- (a) in sub-paragraph (2)(ba), after “answer” (in the second place) insert “or that such a person’s performance is, or is not, unsatisfactory”;
 - (b) in sub-paragraph (3), after sub-paragraph (za) insert—
“(zb) sets out whether the appropriate authority has determined any such person’s performance is, or is not, unsatisfactory;”;
 - (c) in sub-paragraph (5)(c)(i), after “sub-paragraph (3)(za)” insert “or (zb)”;
 - (d) in sub-paragraph (9), in the words before sub-paragraph (a), for “considers appropriate or” substitute “considers appropriate, or determines that the appropriate authority has not made a determination as to whether a person’s performance is or is not unsatisfactory, or determines that the appropriate authority”.
- (5) In paragraph 27 (duties with respect to disciplinary proceedings), in sub-paragraph (3)—
- (a) after sub-paragraph (za) insert—
“(zb) that the person’s performance is, or is not, unsatisfactory;”;
 - (b) in sub-paragraph (a), after “conduct” insert “, efficiency or effectiveness”;
 - (c) in sub-paragraph (b), after “conduct” insert “, efficiency or effectiveness”.

Rights of appeal

- 15 Schedule 3 (handling of complaints and conduct matters) is amended in accordance with the following paragraphs of this Schedule.
- 16 In paragraph 3 (failures to notify or record a complaint), after sub-paragraph (3) insert—

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

- “(3A) But the complainant has no right of appeal under sub-paragraph (3) in either of the following cases.
- (3B) The first case is where, by virtue of paragraph 2(7), there is no requirement to record the complaint.
- (3C) The second case is where—
- (a) the complaint relates to a direction and control matter, and
 - (b) the appeal relates to a failure by a local policing body.”.

17 (1) Paragraph 7 (dispensation by the Commission from requirements of Schedule 3 to 2002 Act) is amended in accordance with this paragraph.

(2) After sub-paragraph (7) insert—

“(8) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under this paragraph to handle the complaint otherwise than in accordance with this Schedule or to take no action in relation to it.

(9) But the complainant has no right of appeal in either of the following cases.

(10) The first case is where the appeal relates to a decision for which the Commission has given permission under this paragraph.

(11) The second case is where the complaint relates to a direction and control matter.

(12) On an appeal under this paragraph, subject to sub-paragraphs (13) and (14), the relevant appeal body shall—

 - (a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
 - (b) if the relevant appeal body finds in the complainant’s favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule;

and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).

(13) Sub-paragraph (12) does not apply in a case where a particular chief officer of police is—

 - (a) the person in respect of whose decision the appeal is made under this paragraph, and
 - (b) the relevant appeal body in relation to the appeal.

(14) In such a case—

 - (a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
 - (b) if the appeal finds in the complainant’s favour, the chief officer of police must take such action as the chief officer thinks appropriate

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

for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule.”.

- 18 For paragraph 9 and the italic heading that precedes it (Appeals relating to local resolution) substitute—

“Appeals relating to complaints dealt with other than by investigation

- 8A (1) The complainant shall have a right of appeal to the relevant appeal body against the outcome of any complaint that is—
- (a) subjected to local resolution, or
 - (b) handled otherwise than in accordance with this Schedule.
- (2) But the complainant has no right of appeal if the complaint relates to a direction and control matter.
- (3) On an appeal under this paragraph, subject to sub-paragraphs (4) and (5), the relevant appeal body shall—
- (a) determine whether the outcome of the complaint is a proper outcome; and
 - (b) if the relevant appeal body finds in the complainant’s favour, give such directions as the relevant appeal body thinks appropriate to the appropriate authority as to the action to be taken in relation to the complaint;
- and it shall be the duty of the appropriate authority to comply with any directions given under paragraph (b).
- (4) Sub-paragraph (3) does not apply in a case where a chief officer of police is the relevant appeal body in relation to the appeal.
- (5) In such a case—
- (a) the appeal shall determine whether the outcome of the complaint is a proper outcome; and
 - (b) if the appeal finds in the complainant’s favour, the chief officer of police must take such action as the chief officer thinks appropriate in relation to the complaint.”.

- 19 (1) Paragraph 21 (power of the Commission to discontinue an investigation) is amended in accordance with this paragraph.

- (2) After sub-paragraph (6) (inserted by paragraph 13(7) of this Schedule) insert—

“(7) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under sub-paragraph (1A) to discontinue the investigation of the complaint.

(8) But the complainant has no right of appeal if the complaint relates to a direction and control matter.

(9) On an appeal under this paragraph, subject to sub-paragraphs (10) and (11), the relevant appeal body shall—

- (a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

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- (b) if the relevant appeal body finds in the complainant’s favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for investigating the complaint;
 - and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).
 - (10) Sub-paragraph (9) does not apply in a case where a particular chief officer of police is—
 - (a) the person in respect of whose decision an appeal is made under this paragraph, and
 - (b) the relevant appeal body in relation to the appeal.
 - (11) In such a case—
 - (a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
 - (b) if the appeal finds in the complainant’s favour, the chief officer of police must take such action as the chief officer thinks appropriate for investigating the complaint.”.
- 20 (1) In the italic heading that precedes paragraph 25 (appeals to the Commission with respect to an investigation), omit “*to the Commission*”.
- (2) Paragraph 25 is amended in accordance with the following provisions of this paragraph.
- (3) In sub-paragraph (2)—
- (a) in the words before sub-paragraph (a), for “to the Commission” substitute “to the relevant appeal body”;
 - (b) in the words after sub-paragraph (d)—
 - (i) for “Commission” substitute “relevant appeal body”;
 - (ii) after “this paragraph” insert “(except that the duty to notify the appropriate authority does not apply where that authority is the relevant appeal body)”.
- (4) After sub-paragraph (2) insert—
- “(2ZA) But the complainant has no right of appeal if the complaint relates to a direction and control matter.”.
- (5) In sub-paragraph (5), for “Commission” (in each place) substitute “relevant appeal body”.
- (6) In sub-paragraph (6)—
- (a) for “Commission” (in the first place) substitute “relevant appeal body”;
 - (b) after “any matter” insert “—
 - (a) in a case where the Commission is the relevant appeal body,”;
 - (c) at the end insert “; and
 - (b) in a case where the appropriate authority is the relevant appeal body, that authority shall take such steps as it

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considers appropriate for securing that the complainant is properly informed.”.

- (7) In sub-paragraph (7), for “sub-paragraph (6)” substitute “sub-paragraph (6)(a)”.
- (8) In sub-paragraph (8)—
- (a) after “reconsidered,” insert “in a case where the Commission is the relevant appeal body”;
 - (b) at the end of paragraph (b) insert “; and

in a case where the appropriate authority is the relevant appeal body, that authority shall re-investigate the complaint.”.
- (9) In sub-paragraph (9)—
- (a) for “Commission” (in the first three places) substitute “relevant appeal body”;
 - (b) for “considers appropriate, the Commission shall” substitute “considers appropriate—
 - (a) sub-paragraph (9ZA) applies if the Commission is the relevant appeal body; or
 - (b) sub-paragraph (9ZB) applies if the chief officer of police is the relevant appeal body.”.
- (9ZA) The Commission shall—”.
- (10) Before sub-paragraph (9A) insert—
- “(9ZB) The chief officer of police shall take such action as the chief officer thinks appropriate in relation to the bringing of disciplinary proceedings in respect of the matters dealt with in the report.
- (9ZC) If disciplinary proceedings are brought by virtue of sub-paragraph (9ZB), it shall be the duty of the appropriate authority to ensure that they are proceeded with to a proper conclusion.”.
- (11) In sub-paragraph (9A)—
- (a) for “Commission” substitute “relevant appeal body”;
 - (b) for “it shall direct the appropriate authority” substitute “in a case where the Commission is the relevant appeal body it shall direct the appropriate authority to, or in a case where the appropriate authority is the relevant appeal body it shall”;
 - (c) in sub-paragraph (a)—
 - (i) omit “to”;
 - (ii) omit “Commission’s”;
 - (d) in sub-paragraph (b), omit “to”.
- (12) In sub-paragraph (10)—
- (a) in the words before paragraph (a), for “Commission” substitute “relevant appeal body”;
 - (b) in sub-paragraph (a), after “authority” insert “(unless it is the relevant appeal body)”;
 - (c) in sub-paragraph (d), for “Commission” substitute “relevant appeal body”.

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

- (13) In sub-paragraph (11), for “The Commission” substitute “In a case where the Commission is the relevant appeal body, it”.
- (14) In sub-paragraph (13), for “Commission” substitute “relevant appeal body”.
- 21 In paragraph 29 (minor definitions), before the definition of “gross misconduct” insert—
- ““direction and control matter” means a matter that relates to the direction and control of a police force by—
- (a) the chief officer of police of that force, or
- (b) a person for the time being carrying out the functions of the chief officer of police of that force;”.
- 22 After paragraph 29 insert—

“Appeals: the relevant appeal body

- 30 (1) The relevant appeal body in relation to an appeal is—
- (a) the Commission, in a case where the relevant complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph; or
- (b) the chief officer of police who is the appropriate authority in relation to the relevant complaint, in any other case.
- (2) In this paragraph and paragraphs 31 and 32—
- “appeal” means an appeal under paragraph 7(8), 8A, 21(7) or 25(2);
- “relevant complaint”, in relation to an appeal, means the complaint to which the appeal relates.
- 31 (1) This paragraph applies in a case where—
- (a) an appeal is made to the Commission, and
- (b) the appropriate authority is the relevant appeal body in relation to the appeal.
- (2) The Commission must—
- (a) forward the appeal to the appropriate authority; and
- (b) notify the person who made the appeal—
- (i) that the appropriate authority is the relevant appeal body; and
- (ii) the appeal has been forwarded.
- (3) The appeal is to be taken to have been—
- (a) made to the appropriate authority, and
- (b) so made at the time when it is forwarded to the appropriate authority.
- 32 (1) This paragraph applies in a case where—
- (a) an appeal is made to the appropriate authority; and
- (b) the Commission is the relevant appeal body in relation to the appeal.
- (2) The appropriate authority must—

- (a) forward the appeal to the Commission; and
 - (b) notify the person who made the appeal—
 - (i) that the Commission is the relevant appeal body; and
 - (ii) the appeal has been forwarded.
- (3) The appeal is to be taken to have been—
- (a) made to the Commission; and
 - (b) so made at the time when it is forwarded to the Commission.”.

SCHEDULE 15

Section 98

POLICE REFORM: TRANSITIONAL PROVISION

PART 1

CHIEF OFFICERS OF POLICE

Current chief officers to remain in post

- 1 (1) At the relevant commencement time a person who, immediately before that time, is in post as the existing chief officer of the police force for a police area becomes the new chief officer of that police force.
- (2) Where a person has, prior to the relevant commencement time, accepted an appointment as the existing chief officer of the police force for a police area which is to come into effect at a time (the “effective time”) which falls at or after the relevant commencement time, that appointment is to take effect at the effective time as an appointment as the new chief officer of that police force.
- (3) Sub-paragraph (2) is without prejudice to any right of the person appointed not to take up the appointment.

Transfer of rights and liabilities

- 2 At the relevant commencement time, all rights and liabilities which immediately before that time were rights and liabilities of the existing chief officer of the police force for a police area are to transfer to the new chief officer of that police force.

Relevant legislative provisions

- 3 (1) Any relevant legislative provision which, immediately before the relevant commencement time, applied to chief constables of police forces maintained under section 2 of the Police Act 1996 is to apply after that time in the same way to chief constables established under section 2 of this Act (except where the context otherwise requires).
- (2) Any relevant legislative provision which, immediately before the relevant commencement time, applied to the Commissioner of Police of the Metropolis is to apply after that time in the same way to the Commissioner of Police of the Metropolis established under section 4 of this Act (except where the context otherwise requires).

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

- (3) Sub-paragraphs (1) and (2) are subject to any provision to the contrary made—
- (a) by or under this Act, or
 - (b) by any other Act passed, or subordinate legislation made, on or after the passing of this Act.
- (4) In this paragraph—
- “relevant legislative provision” means—
- (a) provision of an Act made before the relevant commencement day, or
 - (b) provision of an instrument made before the relevant commencement day under a public general Act which is of a legislative character;
- but provision which applies only to specified chief constables of police forces maintained under section 2 of the Police Act 1996 is not relevant legislative provision.

Interpretation

- 4 In this Part “relevant commencement time” means—
- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the time when section 2 comes into force in relation to that area;
 - (b) in relation to the metropolitan police district, the time when section 4 comes into force.

PART 2

INITIAL TRANSFER FROM POLICE AUTHORITIES

Transfer of property, rights and liabilities

- 5 (1) At the relevant commencement time, all property, rights and liabilities which immediately before that time were property, rights and liabilities of the existing police authority for a police area are to transfer to, and by virtue of this paragraph vest in, the new policing body for that police area.
- (2) This paragraph does not apply to any rights or liabilities under a contract of employment (which are dealt with in paragraph 6).

Transfer of staff

- 6 (1) Subject to sub-paragraphs (5) and (6), this paragraph applies to any person who immediately before the relevant commencement time is a member of the staff of the existing police authority for a police area (the “existing employer”).
- (2) A contract of employment between a person to whom this paragraph applies and the existing employer is to have effect from the relevant commencement time as if originally made between that person and the new policing body for the police area in relation to which the existing employer was established (the “new employer”).
- (3) Sub-paragraph (2) does not break the continuity of a person’s employment and accordingly such a person’s period of employment with the existing employer counts as a period of employment with the new employer for the purposes of the Employment Rights Act 1996.

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

- (4) Without prejudice to sub-paragraph (2)—
- (a) all the existing employer's rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies are by virtue of this paragraph transferred to the new employer at the relevant commencement time; and
 - (b) anything done before that date by or in relation to the existing employer in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.
- (5) Sub-paragraphs (2) to (4) are without prejudice to any right of a member of staff to terminate the contract of employment if a substantial change is made to the person's detriment in the person's working conditions; but no such right arises by reason only of the change in employer effected by this paragraph.
- (6) Where a person—
- (a) has, prior to the relevant commencement time, entered into a contract of employment with an existing police authority which is to come into effect at or after that time; and
 - (b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,
- that person is to be treated as a person to whom this paragraph applies.
- (7) A person who would (but for this sub-paragraph) be treated as being dismissed by the operation of this paragraph (whether by an enactment or otherwise) is to be treated as not being so dismissed.
- (8) Sub-paragraph (7) does not apply to a person who, by virtue of sub-paragraph (5), does not become an employee of a new policing body.
- (9) This paragraph is subject to paragraph 7.

Police civilians

- 7 (1) The new policing body for a police area—
- (a) is to have, for the purpose mentioned in sub-paragraph (2), relevant powers to arrange for the new chief officer of the police force for that area to discharge functions of that body; and
 - (b) must exercise those powers for the purpose mentioned in sub-paragraph (2).
- (2) That purpose is securing that the police civilian members of staff of that new policing body are under the direction and control of that chief officer.
- (3) Any arrangements made in compliance with section 15(2) of the Police Act 1996 between the existing police authority for a police area and the existing chief officer of the police force for that area which are in force immediately before the relevant commencement time are to have effect at and after that time as if made under this paragraph between the new policing body for that area and the new chief officer of that police force.
- (4) Sub-paragraph (5) applies to a person who—
- (a) immediately before the relevant commencement time, is a police civilian member of the staff of an existing police authority, and

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- (b) at that time becomes a member of the staff of the new policing body for a police area by virtue of paragraph 6.
- (5) For as long as the person continues to be a member of the staff of that body, the person is to be—
- (a) employed as a police civilian member of that staff, and
 - (b) under the direction and control of the new chief officer of the police for that area.
- (6) Sub-paragraph (5) does not prevent the new policing body from making arrangements with the person for the person to cease to be a police civilian member of staff of that body (whether or not the person remains a member of the staff of that body).
- (7) After the relevant commencement time, a new policing body may, for either of the purposes set out in sub-paragraph (8), make arrangements—
- (a) with any member of the staff of the body who is not a police civilian member of staff to become a police civilian member of that staff, or
 - (b) with a person who is not a member of that body’s staff to become a police civilian member of that staff.
- (8) In relation to the new policing body for a police area those purposes are—
- (a) replacing police civilian members of staff of the existing police authority for that area who did not become members of the staff of the new policing body in accordance with paragraph 6;
 - (b) replacing police civilian members of staff of the new policing body who have ceased to be police civilian members of staff of that body otherwise than by virtue of a transfer scheme under Part 2 of this Schedule; or
 - (c) to supplement the police civilian members of staff of the new policing body.
- (9) Sub-paragraphs (1) to (5) are subject to—
- (a) any provision included in a collaboration agreement under section 22A of the Police Act 1996, and
 - (b) section 24(3A) of that Act (aid of one police force by another).
- (10) In this paragraph—
- (a) “relevant powers” means powers corresponding to those conferred by sections 101 and 107 of the Local Government Act 1972 on police authorities established under section 3 of the Police Act 1996;
 - (b) references to a police civilian member of staff of an existing police authority or a new policing body are references to a member of the staff of that authority or body who is employed solely to assist the police force maintained by that authority or body;
 - (c) the chief officers’ powers of direction and control referred to include powers of engagement and dismissal.

Seconded staff

- 8 In the case of a person who, immediately before the relevant commencement time, is seconded to the existing police authority for a police area, the secondment is to have effect, after that time, as a secondment to the new policing body for that police area.

Interpretation

- 9 In this Part “relevant commencement time” means—
- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the time when section 1 comes into force in relation to that area;
 - (b) in relation to the metropolitan police district, the time when section 3 comes into force.

PART 3

SUBSEQUENT TRANSFER BY NEW POLICING BODY

Power to direct new policing body to make transfer scheme

- 10 (1) The Secretary of State may direct a new policing body—
- (a) to make one or more transfer schemes, and
 - (b) to submit such a scheme to the Secretary of State for approval.
- (2) If the Secretary of State gives a direction under sub-paragraph (1)(b), the Secretary of State may—
- (a) approve the scheme as submitted,
 - (b) approve the scheme with modifications, or
 - (c) reject the scheme.
- (3) Before making a decision under sub-paragraph (2), the Secretary of State must—
- (a) consult the new policing body, and
 - (b) if the scheme includes provision about the transfer of staff, consult persons who, in the Secretary of State’s opinion, represent the views of the staff concerned.
- (4) If the Secretary of State gives a direction under sub-paragraph (1)(b), the new policing body—
- (a) must not make the scheme unless the Secretary of State approves it, and
 - (b) if the Secretary of State approves the scheme with modifications, must make it with those modifications.
- (5) A direction under this paragraph—
- (a) must be in writing; and
 - (b) may be varied or revoked by a further direction.
- 11 (1) The Secretary of State may make one or more transfer schemes in relation to a new policing body if—
- (a) the body does not comply with a direction given to it under paragraph 10, or
 - (b) the Secretary of State decides not to approve one or more schemes submitted by that body under paragraph 10.
- (2) A scheme made by the Secretary of State under this paragraph is to be treated as if made by the new policing body.
- 12 (1) The Secretary of State may direct a new policing body—
- (a) to modify a transfer scheme made by that body, and
 - (b) to submit such a scheme to the Secretary of State for approval.

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

- (2) Sub-paragraphs (2) to (5) of paragraph 10 apply to a direction under sub-paragraph (1) of this paragraph as they apply to a direction under sub-paragraph (1) of paragraph 10.
- (3) In the application of paragraph 10(2) to (5) by virtue of sub-paragraph (2)—
 - (a) references to paragraph 10(1)(b) have effect as references to sub-paragraph (1)(b) of this paragraph;
 - (b) references to the making of a scheme have effect as references to the modification of a scheme;
 - (c) references to a scheme have effect as references to a scheme as modified.
- (4) The Secretary of State may modify a transfer scheme made by a new policing body if—
 - (a) the authority does not comply with a direction given to it under sub-paragraph (1), or
 - (b) the Secretary of State decides not to approve the modified scheme submitted by the body.
- (5) A scheme modified by the Secretary of State under sub-paragraph (4) is to be treated as if modified (and made) by the new policing body.
- (6) A scheme modified in accordance with this paragraph is to be deemed for all purposes to have come into force with those modifications.

Staff

- 13 (1) A transfer scheme may provide for a person employed by the new policing body to become—
 - (a) a member of the civilian staff of the police force, or
 - (b) a member of staff of a local authority.
- (2) The scheme may provide that a contract of employment which the person had before becoming a member of the civilian staff of a police force is to have effect (subject to any modifications) as if originally made between that person and the chief officer.
- (3) The scheme may provide that a contract of employment which the person had before becoming a member of the staff of a local authority is to have effect (subject to any modifications) as if originally made between that person and that local authority.
- 14 (1) A transfer scheme may provide, in the case of a person who is seconded to the new policing body, that the secondment is to have effect as a secondment to—
 - (a) the civilian staff of the police force, or
 - (b) a local authority.
- (2) The scheme may make provision as to the terms and conditions which are to have effect as the terms and conditions of the person's secondment.
- 15 (1) A transfer scheme may provide for the transfer to the chief officer of the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a person who becomes a member of the civilian staff of the police force.

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

- (2) A transfer scheme may provide for the transfer to a local authority of the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a person who becomes a member of the staff of that local authority.
 - (3) A transfer scheme may make provision—
 - (a) for periods before a person became a member of the civilian staff of the police force to count as periods of employment with the chief officer, and
 - (b) for periods before a person became a member of the civilian staff of the police force, and the periods after the person became a member of the civilian staff of the police force, to count as a period of continuous employment.
 - (4) A transfer scheme may make provision—
 - (a) for periods before a person became a member of the staff of a local authority to count as periods of employment with that local authority, and
 - (b) for periods before a person became a member of the staff of a local authority, and the period after the person became a member of the staff of the local authority, to count as a period of continuous employment.
- 16 (1) A transfer scheme may provide for a person who—
 - (a) is employed by the new policing body, and
 - (b) would otherwise, by the operation of the scheme, become—
 - (i) a member of the civilian staff of the police force, or
 - (ii) a member of staff of a local authority,not to become such a member of staff if the person gives notice objecting to the operation of the scheme in relation to the person.
- (2) A person who would (but for this sub-paragraph) be treated as being dismissed by the operation of a transfer scheme (whether by an enactment or otherwise) is to be treated as not being so dismissed.
 - (3) Sub-paragraph (2) does not apply to a person who, by virtue of sub-paragraph (1), does not become a member of staff.

Property, rights and liabilities etc

- 17 (1) A transfer scheme may provide for the transfer of property, rights and liabilities of the new policing body to the chief officer.
- (2) The scheme may—
 - (a) create rights or interests, or impose liabilities, in relation to property, rights and liabilities transferred by virtue of the scheme or retained by the transferor under the scheme or create rights or liabilities as between the transferor and transferee under the scheme, and
 - (b) apportion property, rights and liabilities between the new policing body and the chief officer.

Supplementary

- 18 (1) A transfer scheme may contain further provision in connection with any of the matters to which paragraphs 13 to 17 relate.
- (2) A transfer scheme may contain incidental, consequential, supplemental, transitional and saving provision.

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- (3) A transfer scheme may confer functions on any person (including the Secretary of State).
- 19 (1) A transfer scheme may contain provision—
- (a) for the Secretary of State, or any other person nominated by or in accordance with the scheme, to determine any matter requiring determination under or in consequence of the scheme, and
 - (b) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of sub-paragraph (a).

PART 4

OTHER TRANSITIONAL PROVISION

Politically restricted posts

- 20 (1) This paragraph applies to a person if by virtue of a transfer scheme, the person—
- (a) ceases to be a member of the staff of an existing police authority, and
 - (b) becomes a member of the staff of a new policing body.
- (2) Section 1 of the Local Government and Housing Act 1989 (politically restricted posts) does not apply to the person for as long as the person—
- (a) continues to be a member of the staff of the new policing body, and
 - (b) carries out duties which are the same, or substantially the same, as the duties the person carried out as a member of the staff of the existing police authority.

Continuity

- 21 (1) The abolition of an existing police authority, the transfer or abolition of its functions, and the transfer of its property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.
- (2) The replacement of an existing chief officer, the transfer or abolition of the functions of an existing chief officer, and the transfer of the rights and liabilities of an existing chief officer, do not affect anything done before the replacement, transfer or abolition.
- (3) The transfer of the property, rights and liabilities of a new policing body does not affect anything done before the transfer.
- (4) Sub-paragraphs (5) to (7) apply where any functions, property, rights or liabilities are transferred by or under this Act from a person (the “transferor”) to another person (the “transferee”).
- (5) There may be continued by or in relation to the transferee anything (including legal proceedings) which—
- (a) relates to any of the functions, property, rights or liabilities transferred, and
 - (b) is in the process of being done by or in relation to the transferor immediately before the transfer takes effect.
- (6) Anything which—

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

- (a) was made or done by or in relation to the transferor for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred, and
 - (b) is in effect immediately before the transfer takes effect,has effect as if made or done by or in relation to the transferee.
- (7) The transferee is to be substituted for the transferor in any instruments, contracts or legal proceedings which—
 - (a) relate to any of the functions, property, rights or liabilities transferred, and
 - (b) are made or commenced before the transfer takes effect.
- (8) The Secretary of State may, by direction, determine any question under this section as to—
 - (a) whether any particular functions, property, rights or liabilities are transferred by or under this Act, or
 - (b) the person to which any particular functions, property, rights or liabilities are transferred by or under this Act.
- (9) The preceding provisions of this paragraph—
 - (a) are without prejudice to Part 2 of this Schedule and any power to make a transfer scheme, and
 - (b) are subject to the provisions of Part 2 of this Schedule and any transfer scheme.
- (10) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

Foreign property etc: perfection of vesting

- 22 (1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999 (foreign property, rights and liabilities: perfection of vesting) apply in any case where a transfer by or under this Act provides for the transfer of foreign property, rights or liabilities.
- (2) In the application of those provisions by virtue of sub-paragraph (1)—
 - (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Act; and
 - (b) references to the transferor and the transferee are to be construed accordingly.

Transfers: supplementary provision

- 23 (1) All property, rights and liabilities to which a statutory transfer applies are to be transferred by that transfer, notwithstanding that they may be or include—
 - (a) property, rights and liabilities that would not otherwise be capable of being transferred, or
 - (b) rights and liabilities under enactments.
- (2) The property, rights and liabilities which may be transferred by a transfer scheme include—

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

- (a) property, rights and liabilities that would not otherwise be capable of being transferred, or
 - (b) rights and liabilities under enactments.
- (3) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property shall operate or become exercisable as a result of any transfer of land or other property by virtue of a statutory transfer or a transfer scheme (whether or not any consent required to the transfer has been obtained).
- (4) No right to terminate or vary a contract or instrument shall operate or become exercisable, and no provision of a contract or relevant document, shall operate or become exercisable or be contravened, by reason of any transfer by virtue of a statutory transfer or a transfer scheme.
- (5) Sub-paragraphs (2) to (4) above have effect in relation to—
 - (a) the grant or creation of an estate or interest in, or right over, any land or other property, or
 - (b) the doing of any other thing in relation to land or other property, as they have effect in relation to a transfer of land or other property.
- (6) A transfer scheme may make provision for the apportionment or division of any property, rights or liabilities.
- (7) Where a transfer scheme makes provision for the apportionment or division between two or more persons of any rights or liabilities under a contract, the contract shall have effect, as from the coming into force of the provision, as if it constituted two or more separate contracts separately enforceable by and against each of those persons respectively as respects the part of the rights or liabilities which falls to that person as a result of the apportionment or division.
- (8) The provision that may be made by a transfer scheme includes provision for—
 - (a) any transfer of land or other property by virtue of the instrument,
 - (b) the grant or creation of any estate or interest in, or right over, any land or other property by virtue of the instrument, or
 - (c) the doing of any other thing in relation to land or other property by virtue of the instrument,to be on such terms, including financial terms, as the person making the scheme thinks fit.
- (9) The Secretary of State may by order confer on any body or person to whom property, rights or liabilities are transferred by a statutory transfer or transfer scheme any statutory functions which were previously exercisable in relation to that property, or those rights or liabilities, by the transferor.
- (10) It shall be the duty—
 - (a) of existing police authorities, new policing bodies, existing chief officers, new chief officers and local authorities, and
 - (b) of the trustees or managers, or administrators, of any pension scheme,to provide the Secretary of State with such information or assistance as the Secretary of State may reasonably require for the purposes of, or in connection with, the exercise of any powers exercisable by the Secretary of State in relation to a statutory transfer or a transfer scheme.

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

- (11) Where any person is entitled, in consequence of any transfer made by virtue of a statutory transfer or transfer scheme, to possession of a document relating in part to the title to, or to the management of, any land or other property in England and Wales—
- (a) the instrument may contain provision for treating that person as having given another person an acknowledgment in writing of the right of that other person to the production of the document and to delivery of copies thereof; and
 - (b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.
- (12) In this paragraph—
- “relevant document” means—
 - (a) any enactment, other than an enactment contained in this Act;
 - (b) any subordinate legislation made otherwise than under this Act; or
 - (c) any deed or other instrument;
 - “statutory transfer” means a transfer under Part 1 or 2 of this Schedule;
 - “transfer scheme” means a transfer scheme under Part 3.

Power to make transitional provision etc

- 24 (1) The Secretary of State may, by order, make such transitional and transitory provision, and savings, as the Secretary of State considers appropriate in connection with Part 1 of this Act (including provision that supplements or varies the provision made by this Schedule).
- (2) An order under this paragraph may, in particular—
- (a) amend, or otherwise modify, any enactment;
 - (b) make any provision that may be made by a transfer scheme under Part 3 of this Schedule (whether the provision in the order relates to that Part or Part 2 of this Schedule);
 - (c) provide for the new policing body for a police area to make any payment which—
 - (i) before a day specified in the order could have been made out of the police fund of the existing police authority for that area, but
 - (ii) is not a liability which is transferred to the new policing body by virtue of Part 2 of this Schedule;
 - (d) provide for a new chief officer or a local authority to which property, rights or liabilities of a new policing body are, or are to be, transferred by virtue of a transfer scheme under Part 3 of this Schedule to make any payment which—
 - (i) before a day specified in the order could have been made out of the police fund of that new policing body, but
 - (ii) is not a liability which could be transferred by virtue of such a transfer scheme;
 - (e) make provision in relation to the accounts and audit of—
 - (i) existing police authorities, and
 - (ii) new policing bodies.
- (3) Provision of the kind referred to in sub-paragraph (2)(e) may, in particular—

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

- (a) amend, or otherwise modify, any enactment relating to the accounts and audit of public bodies in its application to—
 - (i) an existing police authority and the financial year in which that authority is abolished, or
 - (ii) a new policing body and the financial year in which that body is established;
- (b) provide for the Secretary of State to give directions as to action to be taken in relation to the accounts and audit of—
 - (i) an existing police authority in relation to the financial year in which that authority is abolished, or
 - (ii) a new policing body in relation to the financial year in which that body is established;
- (c) provide for a person who, in acting in accordance with such a direction, fails to comply with a code of practice or other document relating to proper accounting practice to be taken not to have so failed to comply.

PART 5

INTERPRETATION

25

In this Schedule—

“existing chief officer” means—

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the chief constable of the police force for that area before the coming into force of section 2 of this Act in relation to that area;
- (b) in relation to the metropolitan police district, the Commissioner of Police of the Metropolis immediately before the coming into force of section 4;

“existing police authority” means—

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police authority established under section 3 of that Act for that area;
- (b) in relation to the metropolitan police district, the Metropolitan Police Authority;

“local authority” means—

- (a) in relation to England, a county council or a district council;
- (b) in relation to Wales, a county council or a county borough council;

“new chief officer” means—

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the chief constable established for that police area under section 2 of this Act;
- (b) in relation to the metropolitan police district, the Commissioner of Police of the Metropolis established under section 4;

“new policing body” means—

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police and crime commissioner for that area;
- (b) in relation to the metropolitan police district, the Mayor’s Office for Policing and Crime;

“police force” means—

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police force maintained for that area under section 2 of that Act;
 - (b) in relation to the metropolitan police district, the metropolitan police force;
- “transfer scheme”, in relation to an existing police authority, means a scheme for transferring staff, property, rights or liabilities of that authority.

SCHEDULE 16

Section 99

POLICE REFORM: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

POLICE ACT 1996

- 1 The Police Act 1996 is amended in accordance with this Part.
- 2 For the italic cross-heading before section 1 substitute—
- “Police areas and police forces”.*
- 3 Omit the italic cross-heading before section 2.
- 4 (1) Section 2 (maintenance of police forces) is amended in accordance with this paragraph.
- (2) The existing provision of section 2 becomes subsection (1) of that section.
- (3) After that subsection, insert—
- “(2) For further provision about the maintenance of those police forces, see Chapter 1 of Part 1 of the Police Reform and Social Responsibility Act 2011.”.
- 5 Omit—
- (a) sections 3 to 5, and
 - (b) the italic cross-heading before section 5A.
- 6 (1) Section 5A (maintenance of the metropolitan police force) is amended in accordance with this paragraph.
- (2) The existing provision of section 5A becomes subsection (1) of that section.
- (3) After that subsection, insert—
- “(2) For further provision about the maintenance of the metropolitan police force, see Chapter 2 of Part 1 of the Police Reform and Social Responsibility Act 2011.”.
- 7 Omit sections 5B to 6.
- 8 Before section 6ZA insert the following cross-heading—

“The City of London”.

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

- 9 After that cross-heading insert—
- “6AZA Common Council to remain police authority for City**
- The Common Council of the City of London is to continue to be the police authority for the City of London police area.”.
- 10 (1) Section 6ZA (power to confer particular functions on police authorities) is amended in accordance with this paragraph.
- (2) In the title, for “**police authorities**” substitute “**the Common Council**”.
- (3) In subsection (1), for “police authorities” substitute “the Common Council”.
- (4) In subsection (2)—
- (a) for “a police authority” substitute “the Common Council”;
- (b) for “police force maintained for its area” substitute “the City of London police force”;
- (c) for “the authority” substitute “the Common Council”.
- (5) In subsection (3), for paragraphs (a) and (b) substitute—
- “(a) the Common Council,
- (b) the Commissioner of Police for the City of London, and”.
- (6) Omit subsection (4).
- 11 (1) Section 6ZB (plans by police authorities) is amended in accordance with this paragraph.
- (2) In the title, for “**police authorities**” substitute “**the Common Council**”.
- (3) In subsection (1)—
- (a) for “every police authority” substitute “the Common Council”;
- (b) for “the authority’s” substitute “the Common Council’s”;
- (c) for “its area” substitute “the City of London police area, and for the discharge by the City of London Police of its national or international functions”.
- (4) For subsection (2) substitute—
- “(2) In issuing a policing plan, the Common Council must have regard to the strategic policing requirement issued under section 37A.”.
- (5) In subsection (3)—
- (a) for “a police authority” substitute “the Common Council”;
- (b) for “relevant chief officer of police” substitute “Commissioner of Police for the City of London”;
- (c) for “the authority” substitute “the Common Council”.
- (6) In subsection (4)—
- (a) for “a police authority” substitute “the Common Council”;
- (b) for “relevant chief officer of police” (in the first place) substitute “Commissioner of Police for the City of London”;
- (c) for “authority for” substitute “Common Council for”;
- (d) for “Authority shall” substitute “Common Council shall”;

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

- (e) for “relevant chief officer of police” (in the second place) substitute “Commissioner of Police for the City of London”.
- (7) In subsection (8), for paragraphs (a) and (b) substitute—
 “(a) the Common Council,
 (b) the Commissioner of Police for the City of London, and”.
- (8) Omit subsection (9).
- (9) Omit subsection (11).
- 12 (1) Section 6ZC (reports by police authorities) is amended in accordance with this paragraph.
- (2) In the title, for “**police authorities**” substitute “**the Common Council**”.
- (3) In subsection (1)—
 (a) for “police authorities” substitute “the Common Council”;
 (b) for “policing of their areas” substitute “discharge of the Common Council’s functions”.
- (4) In subsection (3), for paragraphs (a) and (b) substitute—
 “(a) the Common Council,
 (b) the Commissioner of Police for the City of London, and”.
- (5) Omit subsection (4).
- 13 Omit sections 8A to 9G.
- 14 Before section 9H insert the following cross-heading—

 “*Police ranks*”.
- 15 Omit sections 10 to 12A.
- 16 Omit sections 14 to 17.
- 17 Before section 18 insert the following cross-heading—

 “*City of London*”.
- 18 (1) Section 18 (supply of goods and services) is amended in accordance with this paragraph.
- (2) In subsection (1), omit paragraph (a).
- (3) In subsection (1)(b)—
 (a) for “shall also apply with that modification” substitute “shall,”;
 (b) at the end insert “, apply with the modification set out in subsection (2)”.
- (4) In subsection (3)—
 (a) for “A police authority” substitute “The Common Council in its capacity as police authority”;
 (b) for “another police authority” substitute “another local policing body”;
 (c) for “a police authority collaboration agreement” substitute “force collaboration provision in a collaboration agreement”.

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

- 19 Omit sections 19 to 21.
- 20 Omit the cross-heading “*General provisions*” before section 22.
- 21 (1) Section 22 (reports by chief constables to police authorities) is amended as follows.
- (2) In subsection (1)—
- (a) for “Every chief officer of police of a police force” substitute “The Commissioner of Police for the City of London”;
 - (b) for “police authority” substitute “Common Council”;
 - (c) for the words from “the area” to “maintained” substitute “the City of London police area”.
- (3) In subsection (2), for “A chief officer” substitute “The chief constable”.
- (4) In subsection (3)—
- (a) for “The chief officer of police of a police force” substitute “The Commissioner of Police for the City of London”;
 - (b) for “police authority” substitute “Common Council”;
 - (c) for “that authority” substitute “the Common Council”;
 - (d) for “area for which the force is maintained” substitute “City of London police area”.
- (5) In subsection (4), for “police authority” substitute “Common Council”.
- (6) In subsection (5)—
- (a) for “chief officer” substitute “Commissioner of Police for the City of London”;
 - (b) for “police authority” substitute “Common Council”;
 - (c) for “that authority” substitute “the Common Council”.
- (7) In subsection (6)—
- (a) for “police authority” substitute “Common Council”;
 - (b) for “the authority” substitute “the Common Council”.
- 22 After section 22 insert the following cross-heading—
- “General provisions”.*
- 23 (1) Section 24 (aid of one police force by another) is amended as follows.
- (2) In subsection (3), for “sections 9A and 10(1)” substitute “sections 2 and 4 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”)”.
- (3) For subsection (3A) substitute—
- “(3A) While a member of the civilian staff of a police force maintained under section 2, or a member of the civilian staff of the metropolitan police force, is provided under this section for the assistance of another police force, that member of staff is, notwithstanding section 2 or 4 of the 2011 Act, under the direction and control of the chief officer of police of that other force.”.
- (4) In subsection (4)—
- (a) for “police authority” (in both places) substitute “local policing body”;
 - (b) for “those authorities” substitute “those bodies”;

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

- (c) for “police authorities” substitute “local policing bodies”.
- (5) In subsection (4A)—
 - (a) for “police authority” substitute “local policing body”;
 - (b) for “section 10(1)” substitute “sections 2 and 4 of the 2011 Act”.
- 24 In section 25(1) (provision of special services)—
 - (a) for “police authority” substitute “local policing body”;
 - (b) for “that authority” substitute “that body”.
- 25 (1) Section 26 (provision of advice and assistance to international organisations etc) is amended in accordance with this paragraph.
 - (2) In subsection (1)—
 - (a) for “police authority” substitute “local policing body”;
 - (b) for “the authority” substitute “the body”.
 - (3) In subsection (2)—
 - (a) for “police authority” substitute “local policing body”;
 - (b) for “the authority” substitute “the body”.
 - (4) In subsections (5) and (6), for “police authority” substitute “local policing body”.
- 26 In section 27 (special constables), in subsection (2), for “police force collaboration agreement” substitute “collaboration agreement”.
- 27 In section 28 (police cadets), in subsection (3)—
 - (a) for “Without prejudice to subsection (2)” substitute “Accordingly”;
 - (b) for “the police authority that maintains a police force” substitute “the chief officer of a police force”.
- 28 (1) Section 30 (jurisdiction of constables) is amended in accordance with this paragraph.
 - (2) In subsection (3A)—
 - (a) for “section 24” substitute “section 22A”;
 - (b) for “police authority” substitute “local policing body”.
 - (3) In subsection (3B), for “police force collaboration agreement under section 23” substitute “collaboration agreement under section 22A”.
- 29 For section 31 (rewards for diligence) substitute—

“31 Rewards for diligence

- (1) The chief constable of a police force maintained under section 2 may grant to members of that police force rewards for exceptional diligence or other specially meritorious conduct.
- (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.
- (3) The Common Council may, on the recommendation of the Commissioner of Police for the City of London, grant out of the City of London police fund to members of the City of London police force rewards for exceptional diligence or other specially meritorious conduct.”.

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

- 30 (1) Section 39A (codes of practice for chief officers) is amended as follows.
- (2) Omit subsection (3).
- (3) In subsection (4)—
- (a) for the words from “preparing” to “Agency” substitute “issuing or revising such a code, the Secretary of State”;
 - (b) for paragraph (a) substitute—
 - “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (aa) the Mayor’s Office for Policing and Crime;
 - (ab) the Common Council;”;
 - (c) for “it” substitute “the Secretary of State”.
- 31 (1) Section 42A is amended in accordance with this paragraph.
- (2) In the title, for “**removal of senior officers**” substitute “**exercise of powers under section 42**”.
- (3) In subsection (1), omit “9E, 11 or”.
- (4) In subsection (2), for paragraph (a) substitute—
 - “(a) the Mayor’s Office for Policing and Crime;”.
- 32 In section 50 (regulations for police forces), in subsection (4)(a), for “police authorities” substitute “local policing bodies”.
- 33 In section 51 (regulations for special constables), in subsection (3A)(a), for “police authorities” substitute “local policing bodies”.
- 34 In section 52 (regulations for police cadets), in subsection (1A)(a), for “police authorities” substitute “local policing bodies”.
- 35 (1) Section 53A (regulation of procedures and practices) is amended in accordance with this paragraph.
- (2) In subsection (2), omit paragraph (b) (and the word “and” at the end of paragraph (a)).
- (3) In subsection (3), for paragraph (a) substitute—
 - “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (aa) the Mayor’s Office for Policing and Crime;
 - (ab) the Common Council;”.
- (4) Omit subsection (5).
- (5) In subsection (6), omit paragraph (a).
- 36 (1) Section 57 (common services) is amended in accordance with this paragraph.
- (2) In subsection (4), for paragraph (a) substitute—
 - “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
 - (aa) the Mayor’s Office for Policing and Crime,
 - (ab) the Common Council;”.
- (3) Omit subsections (5) and (6).

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

- 37 In section 60 (regulations for Police Federations), in subsection (2)—
- (a) in paragraph (c), after “Federations to” insert “local policing bodies,”;
 - (b) in paragraph (d), after “provided by” insert “local policing bodies or”.
- 38 In section 61 (the Police Negotiating Board for the United Kingdom), in subsection (1)(a), for “authorities” substitute “persons and bodies”.
- 39 In section 63 (Police Advisory Boards for England and Wales and for Scotland), in subsection (2), after “interests” insert “of local policing bodies,”.
- 40 In section 84 (representation etc at disciplinary and other proceedings), in the definition of “relevant authority” in subsection (4)—
- (a) in paragraph (a), for “a senior officer” substitute “the chief officer of police”;
 - (b) in paragraph (b), for “a senior officer, the police authority” substitute “the chief officer of police, the local policing body”.
- 41 In section 87 (guidance concerning disciplinary proceedings etc), in subsection (1)—
- (a) for paragraph (a) substitute—
 - “(a) local policing bodies,”;
 - (b) for paragraph (e), substitute—
 - “(e) members of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011).”.
- 42 (1) Section 88 (liability of wrongful acts of constables) is amended in accordance with this paragraph.
- (2) In subsections (2)(b) and (4), for “police authority” substitute “local policing body”.
- (3) In subsection (5)—
- (a) in paragraph (a), for “police authority” substitute “local policing body”;
 - (b) in paragraph (c), for “authority’s” substitute “local policing body’s”.
- (4) In subsection (5A), for “police authority” (in each place) substitute “local policing body”.
- (5) In subsection (6), for “police authority” (in each place) substitute “local policing body”.
- 43 In section 93 (acceptance of gifts or loans), in subsection (1), for “the authority” substitute “the body”.
- 44 In section 97 (police officers engaged on service outside their force), in subsection (2), for “police authority” (in each place) substitute “local policing body”.
- 45 (1) Section 98 (cross-border aid of one police force by another) is amended in accordance with this paragraph.
- (2) In subsection (6)—
- (a) for “police authority” (in each place) substitute “local policing body”;
 - (b) for “those authorities” substitute “those bodies”;
 - (c) for “police authorities” substitute “local policing bodies”.

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

- (3) Before subsection (7) insert—
- “(6B) In this section “local policing body” includes—
- (a) a police authority in Scotland, and
- (b) the Northern Ireland Policing Board.”.
- 46 Omit Schedules 2 and 2A.
- 47 (1) Schedule 6 (appeals to Police Appeals Tribunals) is amended in accordance with this paragraph.
- (2) In paragraph 2(1)—
- (a) for “four members” substitute “three members”;
- (b) for “relevant police authority” (in the first place) substitute “relevant local policing body”;
- (c) in sub-paragraph (b), at the end insert “and”;
- (d) omit sub-paragraph (c).
- (3) In paragraph 9, for “relevant police authority” (in each place) substitute “relevant local policing body”.
- (4) In paragraph 10(b), for “relevant police authority” means the police authority” substitute “relevant local policing body” means the local policing body”.

PART 2

GREATER LONDON AUTHORITY ACT 1999

- 48 The Greater London Authority Act 1999 is amended in accordance with this Part.
- 49 In section 45 (Mayor’s periodic report to Assembly), in subsection (7)(b), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.
- 50 In section 54 (discharge of functions by committees or single members), omit subsection (6).
- 51 In section 61 (power to require attendance at Assembly meetings), in subsection (12), omit paragraph (a).
- 52 In section 86 (provisions supplemental to section 85), in subsection (2), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.
- 53 (1) Section 90 (the special item for the purposes of section 89) is amended as follows.
- (2) In subsection (1), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.
- (3) In subsection (2)—
- (a) for “Metropolitan Police Authority” (in each place) substitute “Mayor’s Office for Policing and Crime”;
- (b) in paragraph (b), for “that Authority” substitute “that Office”.

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

- 54 In section 389 (the Superannuation Act 1972), in subsection (1)(d), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.
- 55 In section 404 (discrimination), in subsection (1)(b), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.
- 56 In section 408 (transfers of property, rights or liabilities), in subsection (2), for paragraph (f) substitute—
 “(f) a police and crime commissioner;”.
- 57 In section 411 (pensions), omit subsection (9).
- 58 In section 419 (taxation), in subsection (1)(b), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.
- 59 In Schedule 4 (exercise of functions during vacancy or temporary incapacity of Mayor), omit—
 (a) paragraph 9, and
 (b) paragraph 17.

PART 3

OTHER ENACTMENTS

Tramways Act 1870

- 60 In the Tramways Act 1870, in the heading of section 61 (power for local or police authorities to regulate traffic in roads), for “**local or police authorities**” substitute “**local authorities and police**”.

Riot (Damages) Act 1886

- 61 In the Riot (Damages) Act 1886, in section 9 (definitions), in paragraph (c) of the definition of “compensation authority”, for “police authority” substitute “local policing body”.

Police (Property) Act 1897

- 62 (1) In the Police (Property) Act 1897, section 2 (regulations with respect to unclaimed property in possession of police) is amended as follows.
- (2) In subsection (2A)—
 (a) for “relevant authority” (in each place) substitute “relevant body”;
 (b) in paragraph (d), for “the authority” substitute “the relevant body”.
- (3) In subsection (2B)—
 (a) for “relevant authority” substitute “relevant body”;
 (b) for “police authority” substitute “local policing body”.

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

Licensing Act 1902

- 63 In the Licensing Act 1902, in section 6 (prohibition on sale of liquor to persons declared to be habitual drunkards), for “police authority” (in each place) substitute “local policing body”.

Local Government (Emergency Provisions) Act 1916

- 64 In the Local Government (Emergency Provisions) Act 1916, in section 21 (interpretation), after “Provided that where any such authority is” insert “a local policing body or”.

Police, Factories, &c (Miscellaneous Provisions) Act 1916

- 65 (1) In the Police, Factories, &c (Miscellaneous Provisions) Act 1916, section 5 (regulation of street collections) is amended as follows.
- (2) In subsection (1A), for paragraph (b) substitute—
“ (b) the Mayor’s Office for Policing and Crime, and”.
- (3) In subsection (2)(b), for “a police authority” substitute “the Mayor’s Office for Policing and Crime”.

Children and Young Persons Act 1933

- 66 The Children and Young Persons Act 1933 is amended as follows.
- 67 In section 7 (sale of tobacco, etc, to persons under 18), in subsection (3), for “police authority” substitute “local policing body”.
- 68 In section 12 (failing to provide for safety of children at entertainments), in subsection (5)(b), for “police authority” substitute “chief officer of police”.

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

- 69 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.
- 70 In section 18 (protection of tenure, in connection with employment, under a licence or a rent-free letting, by extension of the Rent Acts), in subsection (6)—
(a) after “either by the” insert “relevant local policing body or”;
(b) for “that authority” substitute “that body or authority”.
- 71 In section 20 (modifications of Rent Acts as respects occupation by employees), in subsection (3)(b), after “required by the” insert “relevant local policing body or”.
- 72 In section 23 (interpretation of Part 2), in subsection (1), in the definition of “relevant police authority”—
(a) for ““relevant police authority”” substitute ““relevant local policing body” or “relevant police authority””;
(b) for “the police authority” substitute “the local policing body or the police authority”.
- 73 In Schedule 2 (capacities in respect of which payments may be made under Part 5, and paying authorities), in Part 1, in the second column of entry number 4, at the beginning insert “The local policing body or”.

Town and Country Planning Act 1959

- 74 In the Town and Country Planning Act 1959, in Part 1 of Schedule 4 (authorities in England and Wales to whom Part 2 applies), omit paragraph 8.

Land Compensation Act 1961

- 75 In the Land Compensation Act 1961, in section 29 (interpretation of Part 4), in the definition of “local authority” in subsection (1), in paragraph (a) omit “, or a combined police authority”.

Trustee Investments Act 1961

- 76 The Trustee Investments Act 1961 is amended as follows.
- 77 In section 11 (Local Authority investment schemes), in subsection (4)(a), for the words from “police authority” to “1996” substitute “police and crime commissioner”.
- 78 In Schedule 1 (manner of investment), in Part 2 (narrower-range of investments requiring advice), in paragraph 9, for paragraph (d) substitute—
“(d) a police and crime commissioner;”.

Local Government (Records) Act 1962

- 79 The Local Government (Records) Act 1962 is amended as follows.
- 80 In section 2 (acquisition and deposit of records), in subsection (6), omit the words from “to a police authority” to “Metropolitan Police Authority,”.
- 81 In section 8 (interpretation), in subsection (1), omit the words from “a police authority” to “Metropolitan Police Authority,”.

Pipe-lines Act 1962

- 82 In the Pipe-lines Act 1962, in section 37 (fire brigades, police etc to be notified of certain pipe-line accidents and to be furnished with information), in subsections (1) (a) and (2)(a), after “rescue authority” insert “, local policing body”.

Offices, Shops and Railway Premises Act 1963

- 83 In the Offices, Shops and Railway Premises Act 1963, in section 90 (interpretation), in subsection (4)(c), after “maintained by” insert “a local policing body or”.

Local Government Act 1966

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

Leasehold Reform Act 1967

- 85 (1) In the Leasehold Reform Act 1967, section 28 (retention or resumption of land required for public purposes) is amended in accordance with this paragraph.

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

- (2) In subsection (5)(a), for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner and the Mayor’s Office for Policing and Crime”.
- (3) In subsection (6), omit the second paragraph (a) (which appears after “However—”).

Superannuation (Miscellaneous Provisions) Act 1967

86 The Superannuation (Miscellaneous Provisions) Act 1967 is amended as follows.

87 (1) Section 11 (pensions of certain persons transferring to different employment) is amended in accordance with this paragraph.

(2) In subsection (8), for “police authority” substitute “police pension authority”.

(3) After subsection (8) insert—

“(9) In this section “police pension authority” means—

- (a) the chief constable of any police force maintained under section 2 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.”.

88 (1) Section 15 (superannuation of metropolitan civil staffs) is amended in accordance with this paragraph.

(2) In subsection (1), in paragraph (a)(i), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime or the Commissioner of Police of the Metropolis”.

(3) For subsection (2) substitute—

“(2) The Mayor’s Office for Policing and Crime shall have power to grant pensions or other benefits to or in respect of persons who are members of the metropolitan civil staffs by virtue of employment by that Office.

(2ZA) The Commissioner of Police of the Metropolis shall have power to grant pensions or other benefits to or in respect of persons who are members of the metropolitan civil staffs by virtue of employment by the Commissioner.”.

(4) In subsection (2A)—

- (a) for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime, and the Commissioner of Police of the Metropolis,”;
- (b) for “it” substitute “that Office or Commissioner”.

(5) In subsection (6), for “and with the Metropolitan Police Authority” substitute “with the Mayor’s Office for Policing and Crime, and with the Commissioner of Police of the Metropolis”.

(6) In subsection (7), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime or the Commissioner of Police of the Metropolis”.

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

Firearms Act 1968

- 89 The Firearms Act 1968 is amended as follows.
- 90 In section 54 (application of Parts 1 and 2 to Crown servants), for subsection (3)(b) substitute—
- “(b) a civilian officer, or”.
- 91 In section 57 (interpretation), in subsection (4), for the definition of “civilian officer” substitute—
- ““civilian officer” means—
- (a) as respects England and Wales—
- (i) a person employed by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011,
- (ii) a person employed by the Commissioner of Police of the Metropolis, or
- (iii) a person employed by the Corporation of the City of London who is under the direction and control of the Commissioner of Police for the City of London;
- (b) as respects Scotland, a person employed by a police authority who is under the direction and control of a chief officer of police;”.

Employers’ Liability (Compulsory Insurance) Act 1969

- 92 In the Employers’ Liability (Compulsory Insurance) Act 1969, in section 3 (employers exempted from insurance), in subsection (2)(b), for “and any police authority” substitute “, any local policing body, any chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, and the Commissioner of Police of the Metropolis”.

Local Government Grants (Social Need) Act 1969

- 93 In the Local Government Grants (Social Need) Act 1969, in section 1 (provision of grants), in subsection (3), for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Local Authorities (Goods and Services) Act 1970

- 94 In the Local Authorities (Goods and Services) Act 1970, in section 1 (supply of goods and services by local authorities), in the definition of “public body” in subsection (4), for the words from “police authority” to “1996” substitute “police and crime commissioner”.

Pensions (Increase) Act 1971

- 95 The Pensions (Increase) Act 1971 is amended as follows.
- 96 In Schedule 2 (official pensions), Part 2 (pensions out of local funds) is amended in accordance with paragraphs 97 and 98.
- 97 (1) Paragraph 51 is amended in accordance with this paragraph.

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

- (2) For “police authority” (in the first place) substitute “local policing body or a chief officer of police”.
 - (3) In sub-paragraph (a), for “such a police authority; or” substitute “a police authority;”.
 - (4) After sub-paragraph (a), insert—
 - “(aa) service as a member of staff of a police and crime commissioner;
 - (ab) service as a member of staff of the Mayor’s Office for Policing and Crime;
 - (ac) service as a member of the civilian staff of a police force; or”.
 - (5) In sub-paragraph (b), for “by such a” substitute “by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, by the Commissioner of Police of the Metropolis or by a”.
 - (6) After sub-paragraph (b) insert—
 - “In this paragraph—
 - (a) references to the staff of a police and crime commissioner, the staff of the Mayor’s Office for Policing and Crime, and the civilian staff of a police force, have the same meanings as in Part 1 of the Police Reform and Social Responsibility Act 2011;
 - (b) “police force” includes the metropolitan police force.”.
- 98 In paragraph 52, after “A pension payable by” insert “a police and crime commissioner, the Mayor’s Office for Policing and Crime, a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, the Commissioner of Police of the Metropolis or”.
- 99 In Schedule 6 (employments relevant to section 13(2)(a)), in sub-paragraph (c)—
- (a) after “Metropolitan Police Authority” insert “or the Mayor’s Office for Policing and Crime”;
 - (b) after “employment” insert “before the repeal of section 14(4) of the Police Act 1996”;
 - (c) after “Fund” insert “or employment after that repeal”.

Local Government Act 1972

- 100 The Local Government Act 1972 is amended as follows.
- 101 In section 60 (procedure for reviews), in subsection (2)(a)(i) and (c) and subsection (5)(b), for “police authority” substitute “police and crime commissioner”.
- 102 In section 98 (interpretation of sections 95 and 97), in subsection (1A) omit the words from “and a police authority” to “Metropolitan Police Authority”.
- 103 In section 99 (meetings and proceedings of local authorities), omit the words from “police authorities” to “Metropolitan Police Authority”.
- 104 (1) Section 100J (application to new authorities, Common Council, etc) is amended in accordance with this paragraph.
- (2) In subsection (1), omit paragraphs (e) and (eza).
 - (3) In subsection (3), omit “, (e), (eza)”.

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

- (4) In subsection (4)(a)—
- (a) after “economic prosperity board,” insert “or”;
 - (b) omit the words from “or a police authority” to “Metropolitan Police Authority”.
- 105 In section 101 (arrangements for discharge of functions by local authorities), in subsection (13) omit “except a police authority”.
- 106 (1) Section 107 (application of foregoing provisions to police authorities) is amended as follows.
- (2) In the title, for “**police authorities**” substitute “**the Common Council**”.
- (3) For subsection (1) substitute—
- “(1) In their application to the Common Council as police authority, sections 101 to 106 shall have effect subject to the following provisions of this section (and in those provisions references to the Common Council are references to the Council as police authority).”.
- (4) In subsection (2)—
- (a) for “A police authority” substitute “The Common Council”;
 - (b) for “another police authority” substitute “another local policing body”;
 - (c) for “a police authority” substitute “the Common Council”.
- (5) In subsection (3)—
- (a) for “a police authority” substitute “the Common Council”;
 - (b) for the words from “by” to the end substitute “by the Common Council”.
- (6) In subsection (3A)—
- (a) for “a police authority” substitute “the Common Council”;
 - (b) for “the authority” substitute “the Common Council”;
 - (c) for “the authority’s” substitute “the Common Council’s”.
- (7) In subsection (3B)—
- (a) for “a police authority” substitute “the Common Council”;
 - (b) for “that authority” substitute “the Common Council”.
- (8) In subsection (4)—
- (a) for “a police authority” substitute “the Common Council”;
 - (b) for “the authority” substitute “the Common Council”.
- (9) In subsection (4A)(c), for “a police authority” substitute “the Common Council”.
- (10) In subsection (5), for “a police authority” substitute “the Common Council”.
- (11) Omit subsection (7).
- (12) In subsection (8)—
- (a) for “a police authority” substitute “the Common Council”;
 - (b) for “any such authority or authorities” substitute “the Common Council”;
 - (c) for the words from “by” to the end, substitute “by the Common Council”.
- 107 In section 120 (acquisition of land compulsorily by principal councils), after subsection (3) insert—

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

- “(3A) Police and crime commissioners and the Mayor’s Office for Policing and Crime are to be treated as principal councils for the purposes of—
- (a) this section (apart from subsection (1)(b)), and
- (b) section 121.”.
- 108 (1) Section 146A (Joint Authorities) is amended in accordance with this paragraph.
- (2) In subsection (1)—
- (a) after “joint waste authority,” insert “and”;
- (b) omit the words from “a police authority” to “Metropolitan Police Authority”.
- (3) Omit subsections (1A) to (1C).
- 109 In section 223 (appearance of local authorities in legal proceedings), in subsection (2), for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner and the Mayor’s Office for Policing and Crime”.
- 110 In section 228 (inspection of documents), in subsection (7A)—
- (a) after “economic prosperity board,” insert “or”;
- (b) omit the words from “or a police authority” to “Metropolitan Police Authority”.
- 111 In section 229 (photographic copies of documents), in subsection (8), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.
- 112 In section 231 (service of notices on local authorities, etc), in subsection (4), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.
- 113 In section 232 (public notices), in subsection (1A), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.
- 114 In section 233 (service of notices by local authorities), in subsection (11), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.
- 115 In section 234 (authentication of documents), in subsection (4), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.
- 116 (1) Schedule 12 (meetings and proceedings of local authorities) is amended in accordance with this paragraph.
- (2) In paragraph 6A(1)—
- (a) after “economic prosperity board,” insert “or”;
- (b) omit the words from “or a police authority” to “Metropolitan Police Authority”.
- (3) In paragraph 6B, omit sub-paragraph (b) (and the word “and” that precedes it).
- (4) In paragraph 46, omit the words from “and a police authority” to “Metropolitan Police Authority”.

Superannuation Act 1972

- 117 (1) In the Superannuation Act 1972, in Schedule 1 (kinds of employment, etc, referred to in section 1), the entries headed “Other Bodies” are amended in accordance with this paragraph.
- (2) After the entry relating to employment by the Commissioner for Public Appointments in Scotland, insert—
- “Employment by the Commissioner of Police of the Metropolis.”.
- (3) For “The Metropolitan Police Authority.” substitute “Employment by the Mayor’s Office for Policing and Crime.”.

Employment Agencies Act 1973

- 118 In the Employment Agencies Act 1973, in section 13 (interpretation), in subsection (7)—
- (a) in paragraph (f), omit the words from “, a police authority” to “1996”;
- (b) for paragraph (fa) substitute—
- “(fa) the exercise by a police and crime commissioner of any of the commissioner’s functions;
- (fb) the exercise by the Mayor’s Office for Policing and Crime of any of that Office’s functions;
- (fc) the exercise by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011 of any of the chief constable’s functions;
- (fd) the exercise by the Commissioner of Police of the Metropolis of any of the Commissioner’s functions;”.

Health and Safety at Work etc Act 1974

- 119 (1) In the Health and Safety at Work etc Act 1974, section 51A (application of Part to police) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), for “means the chief officer of police” substitute “means—
- (i) the chief officer of police of that force, or
- (ii) in the case of a member of the force or a special constable who is, by virtue of a collaboration agreement under section 22A of the Police Act 1996, under the direction and control of a chief officer (within the meaning given by section 23I of that Act), that chief officer;”;
- (b) in paragraph (c), for “means the person who has the direction and control of the body of constables or cadets in question” substitute “means—
- (i) the person who has the direction and control of the body of constables or cadets in question, or
- (ii) in the case of a constable who is, by virtue of a collaboration agreement under section 22A of the Police Act 1996, under the direction and control of a chief officer (within the meaning given by section 23I of that Act), that chief officer.”.

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

- (3) In subsection (2A), after “shall” insert “, if not a corporation sole,”.

Local Government Act 1974

- 120 The Local Government Act 1974 is amended as follows.
- 121 In section 25 (authorities subject to investigation), in subsection (1), for paragraphs (ca) and (caa) substitute—
- “(ca) any police and crime commissioner;
 (caa) the Mayor’s Office for Policing and Crime;”.
- 122 In Schedule 5 (matters not subject to investigation), in paragraph 2 for “police authority” substitute “local policing body”.

House of Commons Disqualification Act 1975

- 123 In the House of Commons Disqualification Act 1975, in section 1 (disqualification of holders of certain offices and places), in subsection (1)(d) after “maintained by” insert “a local policing body or”.

Northern Ireland Assembly Disqualification Act 1975

- 124 In the Northern Ireland Assembly Disqualification Act 1975, in section 1 (disqualification of holders of certain offices and places), in subsection (1)(d) after “maintained by” insert “a local policing body or”.

Local Government (Miscellaneous Provisions) Act 1976

- 125 The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- 126 In section 30 (power to forego repayments of advances of remuneration paid to deceased employees), for subsection (3) substitute—
- “(3) For the purposes of this section—
- (a) the cases in which a person is in the employment of a local authority are to be taken to include cases where a person is a member of a police force maintained by a local authority; and
- (b) in such cases, references to employment are to be construed accordingly.”.
- 127 In section 44 (interpretation etc of Part 1), in subsection (1), in paragraph (a) of the definition of “local authority”, for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Police Pensions Act 1976

- 128 The Police Pensions Act 1976 is amended as follows.
- 129 In section 1 (police pensions regulations), in subsection (2A), for “police authorities” substitute “police pension authorities”.
- 130 In section 6 (appeals)—
- (a) in subsection (1)(a), for “police authority” substitute “police pension authority”;

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

- (b) in subsection (2)—
 - (i) for “police authority” substitute “police pension authority”;
 - (ii) for “them” substitute “that authority”;
 - (iii) for “they are” substitute “that authority is”;
 - (c) in subsection (3), for “police authority” substitute “police pension authority”.
- 131 In section 8A (information in connection with police pensions etc), for “police authority” (in each place) substitute “police pension authority”.
- 132 (1) Section 11 (interpretation) is amended in accordance with this paragraph.
- (2) In subsection (2), the second paragraph (g) becomes paragraph (h).
- (3) In subsection (2), for the words before paragraph (a), substitute—
- “(2) In this Act—
- “police pension authority” means—
- (a) the chief constable of any police force maintained under section 2 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;
- “pension supervising authority” means—
- (a) any local policing body within the meaning of the Police Act 1996; and
 - (b) any police authority within the meaning of the Police (Scotland) Act 1967.
- (2A) But—”
- (and, accordingly, paragraphs (a) to (h) of subsection (2) become those paragraphs of subsection (2A)).
- (4) In subsection (2A), in paragraphs (a) to (h), for “it” (in each place) substitute ““police pension authority” or “pension supervising authority””.
- 133 In Schedule 1 (pensions under repealed enactments), in paragraph 2 (forfeiture of pensions), for “police authority” (in each place) substitute “pension supervising authority”.

Rent (Agriculture) Act 1976

- 134 In the Rent (Agriculture) Act 1976, in section 5 (no statutory tenancy where landlord’s interest belongs to Crown or to local authority etc), in subsection (3), for paragraph (baa) substitute—
- “(baa) a police and crime commissioner;”.

Rent Act 1977

- 135 In the Rent Act 1977, in section 14 (landlord’s interest belonging to local authority etc), in subsection (1), for paragraph (caa) substitute—

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

“(caa) a police and crime commissioner;”.

Highways Act 1980

- 136 The Highways Act 1980 is amended as follows.
- 137 In section 118B (stopping up of certain highways for purposes of crime prevention etc), in subsection (6), for “police authority” substitute “local policing body”.
- 138 In section 119B (diversion of certain highways for purposes of crime prevention etc), in subsection (6), for “police authority” substitute “local policing body”.
- 139 In section 120 (exercise of powers of making public path extinguishment and diversion orders), in subsection (3B), for “police authority” substitute “local policing body”.

Local Government, Planning and Land Act 1980

- 140 The Local Government, Planning and Land Act 1980 is amended as follows.
- 141 In section 99 (directions to dispose of land — supplementary), in subsection (4), for paragraphs (dc) and (dcc) substitute—
- “(dc) a police and crime commissioner;
(dcc) the Mayor’s Office for Policing and Crime;”.
- 142 In Schedule 16 (bodies to whom Part 10 applies), for paragraphs 5C and 5CC substitute—
- “5C A police and crime commissioner.
5CC The Mayor’s Office for Policing and Crime.”.

Acquisition of Land Act 1981

- 143 In the Acquisition of Land Act 1981, in section 17(4) (local authority and statutory undertakers’ land), in paragraph (a) of the definition of “local authority”, omit “, a police authority established under section 3 of the Police Act 1996”.

Animal Health Act 1981

- 144 In the Animal Health Act 1981, in section 10A(1)(a) (annual review of import controls), omit “, police authorities”.

Finance Act 1981

- 145 In the Finance Act 1981, in section 107 (sale of houses at discount by local authorities etc), in subsection (3)(k)—
- (a) for “police authority” substitute “local policing body”;
- (b) for “1996 or” substitute “1996, or a police authority within the meaning of”.

Aviation Security Act 1982

- 146 The Aviation Security Act 1982 is amended as follows.
- 147 In section 24AG (security executive groups), in subsection (2)(c), at the beginning insert “in the case of an aerodrome in Scotland or Northern Ireland,”.

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

- 148 In section 24AT (interpretation), in subsection (6)(c), at the beginning insert “in the case of an aerodrome in Scotland or Northern Ireland.”.
- 149 (1) Section 25B (police services agreements) is amended as follows.
- (2) In subsection (4)(b), at the beginning insert “in the case of an aerodrome in Scotland or Northern Ireland.”.
- (3) After subsection (4) insert—
- “(4A) Before entering into a police services agreement relating to an aerodrome in England or Wales, or a variation of such an agreement, the chief officer of police for the relevant police area must consult the local policing body for that area.”.
- 150 In section 25E (discharge of functions of relevant persons in relation to police services agreements), in subsection (2)(c)—
- (a) after “incurred by” insert “the local policing body (in the case of an aerodrome in England or Wales) or”;
- (b) after “police authority” insert “(in the case of an aerodrome in Scotland or Northern Ireland)”.
- 151 In section 26 (exercise of police functions at relevant aerodromes)—
- (a) for “police authority” (in each place) substitute “local policing body or police authority”;
- (b) in subsection (2C)(a), after “reimburse the” insert “body or”.
- 152 In section 29 (control of road traffic at relevant aerodromes), in subsection (2)(a), for “police authority” substitute “chief officer of police (in the case of an aerodrome in England or Wales) or the police authority (in any other case)”.
- 153 In section 29D (dispute resolution: powers), for “police authority” (in each place) substitute “local policing body or police authority”.
- 154 (1) Section 31 (interpretation of Part 3 etc) is amended in accordance with this paragraph.
- (2) In subsection (1), in the definition of “relevant persons”, at the end insert “, as read with subsection (1ZA) below”.
- (3) After subsection (1) insert—
- “(1ZA) In relation to a dispute about payments to be made which is within section 29A(2)(d) and concerns an aerodrome in England or Wales, “relevant persons” includes the local policing body for the relevant police area.”.

Local Government (Miscellaneous Provisions) Act 1982

- 155 The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.
- 156 In section 33 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a), for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor’s Office for Policing and Crime.”.
- 157 In section 41 (lost and uncollected property), in the definition of “local authority” in subsection (13), for paragraphs (ca) and (caa) substitute—
- “(ca) a police and crime commissioner; and
- (caa) the Mayor’s Office for Policing and Crime; and.”

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

Stock Transfer Act 1982

- 158 In the Stock Transfer Act 1982, in Schedule 1 (specified securities), in paragraph 7(1), for sub-paragraph (ba) substitute—
“(ba) any police and crime commissioner.”.

County Courts Act 1984

- 159 In the County Courts Act 1984, in section 60 (right of audience), in subsection (3), in the definition of “local authority” for the words from “a police authority” to “Metropolitan Police Authority” substitute “a police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Police and Criminal Evidence Act 1984

- 160 The Police and Criminal Evidence Act 1984 is amended as follows.
- 161 In section 30 (arrest elsewhere than at a police station), in subsection (4)(b), for “police authority” substitute “local policing body”.
- 162 In section 36 (custody officers at police stations), in subsection (9), for “police authority” substitute “local policing body”.
- 163 (1) Section 67 (codes of practice: supplementary) is amended in accordance with this paragraph.
- (2) In subsection (4), for paragraph (a) substitute—
“(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
(aa) the Mayor’s Office for Policing and Crime,
(ab) the Common Council of the City of London,”.
- (3) In subsection (9A)(a), for “police authority employees” substitute “civilian staff”.

Road Traffic Regulation Act 1984

- 164 The Road Traffic Regulation Act 1984 is amended as follows.
- 165 In section 26 (arrangements for patrolling school crossings), in subsection (5)—
(a) for “police authority” (in the first place) substitute “chief officer of police of the police force maintained”;
(b) for “police authority” (in the second place) substitute “chief officer”.
- 166 (1) Section 95 (appointment of traffic wardens) is amended in accordance with this paragraph.
- (2) In subsection (1)—
(a) for “A police authority in England or Wales may” substitute “A chief officer of police in England and Wales (other than the Commissioner of Police for the City of London), and the Common Council of the City of London may”;
(b) after “so appointed” insert “by the Common Council”;
(c) for “police authority” (in the last place) substitute “Common Council”.
- (3) In subsection (4)—
(a) for “A police authority” substitute “A person”;

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

- (b) after “subsection (1) above” insert “(the “employer”);”;
 - (c) in paragraph (a), for “the police authority provide” substitute “the employer provides”;
 - (d) in paragraph (b), for “the police authority” substitute “the employer”.
- (4) In subsection (6), for “police authority” substitute “person”.
- 167 (1) Section 97 (supplementary provisions as to traffic wardens) is amended in accordance with this paragraph.
- (2) In subsection (1)—
- (a) for “the police authority” (in the first place) substitute “their employer”;
 - (b) for “the police authority” (in the second place) substitute “that employer”.
- (3) In subsection (3)—
- (a) after “functions of” insert “the Common Council or”;
 - (b) after “maintained by” insert “the Common Council or”.
- (4) In subsection (5)—
- (a) after “Any power” insert “of a person”;
 - (b) for “police authority” substitute “person”.

Housing Act 1985

- 168 In the Housing Act 1985, in section 4 (other descriptions of authority), in subsection (1)(e), for the words from “police authority” to “Police Act 1996” substitute “police and crime commissioner”.

Housing Associations Act 1985

- 169 In the Housing Associations Act 1985, in section 106 (minor definitions - general), in the definition of “local authority” in subsection (1), for the words from “and a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner and the Mayor’s Office for Policing and Crime”.

Landlord and Tenant Act 1985

- 170 In the Landlord and Tenant Act 1985, in section 38 (minor definitions), in the definition of local authority, for the words from “a police authority” to “Metropolitan Police Authority” substitute “, a police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Prosecution of Offences Act 1985

- 171 In the Prosecution of Offences Act 1985, in section 3 (functions of the director), in subsection (3), in the definition of “police force”, for “police authority under the Police Act 1996” substitute “local policing body”.

Local Government Act 1986

- 172 The Local Government Act 1986 is amended as follows.
- 173 In section 6 (interpretation and application of Part 2), in subsection (2)(a), for the words from “a police authority” to “Metropolitan Police Authority” substitute—

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

“a police and crime commissioner,
the Mayor’s Office for Policing and Crime”.

- 174 In section 9 (interpretation and application of Part 3), in subsection (1)(a), for the words from “a police authority” to “Metropolitan Police Authority” substitute—
“a police and crime commissioner,
the Mayor’s Office for Policing and Crime”.

Channel Tunnel Act 1987

- 175 (1) In the Channel Tunnel Act 1987, section 14 (arrangements for the policing of the tunnel system) is amended as follows.
- (2) In subsection (4)—
- (a) for “Kent Police Authority” substitute “Police and Crime Commissioner for Kent”;
 - (b) for “that Authority” substitute “that Commissioner”.
- (3) In subsection (5)—
- (a) for “Kent Police Authority” substitute “Police and Crime Commissioner for Kent”;
 - (b) for “the Authority” (in the first place) substitute “the Commissioner”.

Landlord and Tenant Act 1987

- 176 In the Landlord and Tenant Act 1987, in section 58 (exempt landlords and resident landlords), in subsection (1)(a), for the words from “police authority” to “1996” substitute “a police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Dartford-Thurrock Crossing Act 1988

- 177 In section 19 of the Dartford-Thurrock Crossing Act 1988, in section 19 (exemption from tolls), for paragraph (a)(i) substitute—
“(i) a local policing body;”.

Housing Act 1988

- 178 In the Housing Act 1988, in Schedule 1 (tenancies which cannot be assured tenancies), in paragraph 12(2) of Part 1 (local authority tenancies etc), for subparagraph (g) substitute—
“(g) a police and crime commissioner.”.

Local Government Act 1988

- 179 In the Local Government Act 1988, in Schedule 2 (public supply or works contracts: the public authorities), omit the words from “A police authority” to “Metropolitan Police Authority”.

Local Government Finance Act 1988

- 180 The Local Government Finance Act 1988 is amended as follows.

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

- 181 In section 65A (Crown property), in subsection (4)(b), for the words from “police authority” to “1996” substitute “police and crime commissioner”.
- 182 In section 74 (levies)—
- (a) in subsection (1)(c), omit “, combined police authority”;
 - (b) in subsection (4)(bb), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.
- 183 In section 84F (determination of grant)—
- (a) for “police authorities” (in each place) substitute “police and crime commissioners”;
 - (b) omit subsection (7).
- 184 In section 84Q (application of this Chapter etc)—
- (a) in subsection (2), for “police authorities” substitute “police and crime commissioners”;
 - (b) omit subsection (3).
- 185 In section 88B (special grants), in subsection (10), for the words from “police authority” to “1996” substitute “police and crime commissioner”.
- 186 In section 111 (interpretation)—
- (a) in subsection (2), for paragraph (e) substitute—
 - “(e) a police and crime commissioner,
 - (ea) a chief officer of police (which, for this purpose, means a chief constable of a police force maintained under section 2 of the Police Act 1996 or 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”.
- 187 In section 112 (financial administration as to certain authorities), omit subsection (2)(a).
- 188 (1) Section 114 (functions of responsible officer as respects reports) is amended in accordance with this paragraph.
- (2) In subsection (1), after “1999 Act” insert “, or Schedule 1, 2 or 4 to the 2011 Act”.
 - (3) In subsection (2), for “a police force maintained by the authority” substitute “the relevant police force”.
 - (4) In subsection (3A), after “relevant authority” insert “(except where the relevant authority is a chief officer of police)”.
 - (5) For subsection (4)(b) substitute—
 - “(b) in the case of—
 - (i) a police and crime commissioner, the commissioner and each member of the police and crime panel for the commissioner’s police area;
 - (ii) the Mayor’s Office for Policing and Crime, that Office and each member of the police and crime panel of the London Assembly;
 - (iii) a chief officer of police, the chief officer and the elected local policing body; and

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

(iv) any other relevant authority, each person who is at that time a member of the authority; and”.

(6) After subsection (8) insert—

“(8A) In this section “relevant police force”, in relation to the chief finance officer of a relevant authority, means—

- (a) in the case where the relevant authority is a chief officer of police, the police force of which that person is chief officer;
- (b) in any other case, the police force maintained by the relevant authority.”.

189 (1) Section 115 (authority’s duties as regards reports) is amended as follows.

(2) After subsection (1A) insert—

“(1B) In the case of a report made by the chief finance officer of an elected local policing body, that body must consider the report and decide whether the body agrees or disagrees with the views contained in the report and what action (if any) the body proposes to take in consequence of it.

(1C) In the case of a report made by the chief finance officer of a chief officer of police, the chief officer of police must consider the report and decide whether the chief officer of police agrees or disagrees with the views contained in the report and what action (if any) the chief officer of police proposes to take in consequence of it.

(1D) The consideration and decision-making must be concluded not later than the end of the period of 21 days beginning with the day on which copies of the report are sent.

(1E) As soon as practicable after the elected local policing body, or the chief officer of police, has concluded the consideration of the chief finance officer’s report, that body or chief officer must prepare a report which specifies—

- (a) what action (if any) that body or chief officer has taken in response to the report;
- (b) what action (if any) that body or chief officer proposes to take in response to the report; and
- (c) the reasons for taking the action specified in the report or, as the case may be, for taking no action.

(1F) As soon as practicable after the elected local policing body has prepared a report under subsection (1E), the elected local policing body must arrange for a copy of the report to be sent to—

- (a) the chief finance officer;
- (b) the person who at the time the report is made has the duty to audit the elected local policing body’s accounts; and
- (c) each member of the police and crime panel for the police area for which the elected local policing body is established.

(1G) As soon as practicable after the chief officer of police has prepared a report under subsection (1E), the chief officer of police must arrange for a copy of the report to be sent to—

- (a) the chief finance officer;

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

- (b) the person who at the time the report is made has the duty to audit the chief officer's accounts; and
 - (c) the elected local policing body which maintains the police force in which the chief officer serves.”.
- (3) In subsection (2), at the beginning insert “In the case of any authority other than an elected local policing body or a chief officer of police,”.
- (4) In subsection (9), after “subsection” insert “(1B), (1C) or”.
- (5) In subsection (10), after “If subsection” insert “(1B), (1C)”.
- (6) In subsection (11), for “at the meeting” substitute “under subsection (1B), (1C) or (2)”.
- 190 (1) Section 116 (information about meetings) is amended in accordance with this paragraph.
- (2) In the title, for “meetings” substitute “**consideration of reports etc**”.
- (3) After subsection (2A) insert—
- “(2B) In the case of an elected local policing body, the chief finance officer of that body must notify the body's auditor of any decisions taken by the body in accordance with section 115.
 - (2C) In the case of a chief officer of police, the chief officer of police's chief finance officer must notify that chief officer of police's auditor of any decisions taken by the chief officer of police in accordance with section 115.”.
- 191 In section 117 (rates and precepts: abolition), in subsection (5), omit “, combined police authority”.

Road Traffic Act 1988

- 192 The Road Traffic Act 1988 is amended as follows.
- 193 In section 65A (motor cycles not to be sold without EC certificate of conformity), in subsection (5)(d), after “to a” insert “local policing body or”.
- 194 (1) Section 67 (testing of condition of vehicles on roads) is amended in accordance with this paragraph.
- (2) In subsection (4)—
- (a) in paragraph (e), omit “and”;
 - (b) after paragraph (e) insert—
 - “(ea) a person appointed by a chief officer of police in England or Wales (other than the Commissioner of Police for the City of London) to act, under the directions of that chief officer, for the purposes of this section, and”;
 - (c) in paragraph (f), after “police area” insert “in Scotland, or by the Common Council of the City of London,”.
- (3) In subsection (5), after “(d)” insert “, (ea)”.
- 195 In section 78 (weighing of motor vehicles), in subsection (8)(b), after “by a” (in the second place), insert “local policing body or a”.

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

- 196 In section 124 (exemption of police instructors from prohibition imposed by section 123), in subsection (2), in paragraph (b) of the definition of “police instructor”, for “a police authority” substitute “a chief officer of police in England or Wales (other than the Commissioner of Police for the City of London), the Common Council of the City of London in its capacity as police authority, or a police authority”.
- 197 (1) Section 144 (exceptions from requirement of third-party insurance or security) is amended in accordance with this paragraph.
- (2) In subsection (2)(a), omit “(other than a police authority)”.
- (3) In subsection (2)(b)—
- (a) after “owned by” insert “a local policing body or”;
 - (b) after “constable,” insert “by a member of a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011), by a member of the staff of the Mayor’s Office for Policing and Crime (within the meaning of that Part of that Act), by a member of the civilian staff of a police force (within the meaning of that Part of that Act), by a member of the civilian staff of the metropolitan police force (within the meaning of that Part of that Act), by a person employed by the Common Council of the City of London in its capacity as a police authority.”.

Road Traffic Offenders Act 1988

- 198 (1) In the Road Traffic Offenders Act 1988, section 79 (statements by constables) is amended as follows.
- (2) In subsection (2), for “by the police authority” substitute “as a civilian police employee”.
- (3) After subsection (5), insert—
- “(5A) For the purposes of subsection (2), a person is employed as a civilian police employee for a police area if—
- (a) in the case of a police area listed in Schedule 1 to the Police Act 1996, the person is a member of the civilian staff of the police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011) maintained for that area;
 - (b) in the case of the metropolitan police district, the person is a member of the civilian staff of the metropolitan police force (within the meaning of that Part of that Act);
 - (c) in the case of the City of London, the person is employed by the Common Council of the City of London in its capacity as police authority.”.

Local Government and Housing Act 1989

- 199 The Local Government and Housing Act 1989 is amended as follows.
- 200 In section 1 (disqualification and political restriction of certain officers and staff), after subsection (8) insert—

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

- “(9) In this section a reference to a person holding a politically restricted post under a local authority includes a reference to every member of the staff of an elected local policing body, except for a deputy police and crime commissioner.”.
- 201 (1) Section 4 (designation and reports of head of paid service) is amended in accordance with this paragraph.
- (2) After subsection (1) insert—
- “(1A) In the case of an elected local policing body, the body’s chief executive is to be taken to have been designated as the head of the body’s paid service (and, accordingly, subsection (1)(a) does not apply; but references to persons designated under this section include references to the body’s chief executive).”.
- (3) In subsection (4), for “sent to” substitute “sent—
- (a) in the case of an elected local policing body, to the body and to the police and crime panel for the body’s police area; and
- (b) in any other case, to”.
- (4) In subsection (5), after “relevant authority” insert “(other than an elected local policing body)”.
- (5) After subsection (5) insert—
- “(5A) It shall be the duty of an elected local policing body to consider any report under this section by the head of the body’s paid service, and to do so no later than three months after the body is sent a copy of the report.”.
- (6) In subsection (6)(a), after “below” insert “and an elected local policing body”.
- 202 (1) Section 5 (designation and reports of monitoring officer) is amended in accordance with this paragraph.
- (2) In subsection (1), in the words after paragraph (b), omit the words from “(or,” to “authority” (in the last place).
- (3) After subsection (1B) insert—
- “(1C) In the case of an elected local policing body, the body’s chief executive is to be taken to have been designated as the monitoring officer (and, accordingly, subsection (1)(a) does not apply; but references to persons designated under this section include references to the body’s chief executive).”.
- (4) In subsection (3)(b), for “sent to” substitute “sent—
- (a) in the case of an elected local policing body, to the body and to the police and crime panel for the body’s police area; and
- (b) in any other case, to”.
- (5) In subsection (5)(a), for “deputy at” substitute “deputy—
- (i) in the case of an elected local policing body, no later than three months after the body is sent a copy of the report; and
- (ii) in any other case, at”.
- (6) In subsection (8)—

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

- (a) in the definition of “chief finance officer”, after “1999” insert “, Schedule 1 to the Police Reform and Social Responsibility Act 2011”;
 - (b) in paragraph (a) of the definition of “relevant authority”, after “below” insert “and an elected local policing body”.
- 203 In section 7 (all staff to be appointed on merit), in subsection (1)—
- (a) in paragraph (a), omit “or”;
 - (b) after paragraph (a) insert—
 - “(aa) an elected local policing body, or”.
- 204 (1) Section 21 (interpretation of Part 1) is amended in accordance with this paragraph.
- (2) In subsection (1), omit paragraph (g).
- 205 In section 67 (application of, and orders under, Part 5), in subsection (3), omit paragraph (i).
- 206 (1) Section 155 (emergency financial assistance to local authorities) is amended as follows.
- (2) In subsection (1A), in paragraph (b) for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.
- (3) In subsection (4), for paragraph (ea) substitute—
- “(ea) a police and crime commissioner;”.

Aviation and Maritime Security Act 1990

- 207 In the Aviation and Maritime Security Act 1990, in section 22(4)(b)(i) (power to require harbour authorities to promote searches in harbour areas), for “in England, Scotland or Wales by a police authority” substitute “in England or Wales by a local policing body, in Scotland by a police authority, or in England, Wales or Scotland by”.

Town and Country Planning Act 1990

- 208 The Town and Country Planning Act 1990 is amended as follows.
- 209 In section 252 (procedure for making orders), in subsection (12), in the definition of “local authority”, for the words from “police authority” to “Metropolitan Police Authority” substitute “police and crime commissioner, the Mayor’s Office for Policing and Crime”.
- 210 In section 336 (interpretation), in subsection (1), in the definition of “local authority”, in paragraph (a), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

War Crimes Act 1991

- 211 In the War Crimes Act 1991, in section 2 (expenses), in paragraph (a), for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

Local Government Finance Act 1992

- 212 In the Local Government Finance Act 1992, in section 19 (exclusion of Crown exemption in certain cases), for subsection (3)(c) substitute—

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

“(c) a police and crime commissioner;”.

Welsh Language Act 1993

- 213 In the Welsh Language Act 1993, in section 6 (meaning of “public body”), for paragraph (d) substitute—
“(d) a police and crime commissioner;”.

Deregulation and Contracting Out Act 1994

- 214 The Deregulation and Contracting Out Act 1994 is amended as follows.
215 In section 79A (meaning of “local authority” in England), omit paragraph (o).
216 In section 79B (meaning of “local authority” in Wales), omit paragraph (g).

Value Added Tax Act 1994

- 217 In section 33 of the Value Added Tax Act 1994 (refunds of VAT in certain cases), in subsection (3)(f), at the beginning insert “a police and crime commissioner, the Mayor’s Office for Policing and Crime and”.

Criminal Appeal Act 1995

- 218 In the Criminal Appeal Act 1995, in section 22 (meaning of public body etc), in subsection (2)(a) and (b)(iii), for “police authority” substitute “local policing body”.

Employment Rights Act 1996

- 219 In the Employment Rights Act 1996, in section 50 (right to time off for public duties), omit subsection (2)(c).

Housing Grants, Construction and Regeneration Act 1996

- 220 In the Housing Grants, Construction and Regeneration Act 1996, in section 3 (ineligible applicants) for subsection (2)(g) substitute—
“(g) a police and crime commissioner;”.

Police Act 1997

- 221 The Police Act 1997 is amended as follows.
222 In section 107 (supplementary provisions relating to Commissioners), in subsection (4)(a), after “any” insert “local policing body or”.
223 In section 119 (sources of information), in subsections (3) and (7), after “appropriate” insert “local policing body or”.
224 In section 126 (interpretation of Part 5), in the definition of “police authority” in subsection (1), for “Great Britain” substitute “Scotland”.

Police (Health and Safety) Act 1997

- 225 In the Police (Health and Safety) Act 1997, in section 5 (payment of damages, compensation and fines out of certain funds), in subsection (3), in paragraph (a) of the

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

definition of “the relevant authority”, for “police authority” substitute “local policing body”.

Audit Commission Act 1998

- 226 The Audit Commission Act 1998 is amended as follows.
- 227 (1) Section 32 (documents relating to police authorities etc) is amended in accordance with this paragraph.
- (2) In subsection (1), for the words from “relates” to the end, substitute “relates to an elected local policing body or to a chief officer of police.”
- (3) In subsection (2)—
- (a) in paragraph (a)—
- (i) for the words from “relates” to “1996” substitute “relates to one or more elected local policing bodies”;
- (ii) for “an authority” substitute “a body”;
- (b) after paragraph (a) insert—
- “(aa) relates to one or more chief officers of police and has been sent (or a copy of which has been sent) by the Commission to such a chief officer.”
- (4) For subsection (3) substitute—
- “(3) In this section “chief officer of police” means—
- (a) a chief constable for a police force maintained under section 2 of the Police Act 1996, and
- (b) the Commissioner of Police of the Metropolis.”
- 228 In section 32B (mandatory provision of data), omit subsection (5)(c).
- 229 In section 47A (reports relating to performance of English local authorities), in subsection (5), omit the words from “, other” to the end.
- 230 In Schedule 2 (accounts subject to audit), in paragraph 1, for sub-paragraph (k) substitute—
- “(k) a police and crime commissioner;
- (ka) a chief constable for a police force maintained under section 2 of the Police Act 1996;
- (kb) the Commissioner of Police of the Metropolis;”

Crime and Disorder Act 1998

- 231 The Crime and Disorder Act 1998 is amended as follows.
- 232 In section 1A (power of Secretary of State to add relevant bodies), in subsection (1), for “police authority” substitute “local policing body”.
- 233 In section 17 (duty to consider crime and disorder implications), in subsection (2), for “a police authority” substitute “a local policing body”.
- 234 (1) In section 18 (interpretation of Chapter 1 of Part 1), subsection (1) is amended as follows.
- (2) After the definition of “local child curfew scheme” insert—

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

““local policing body” has the meaning given by section 101(1) of the Police Act 1996;”.

- (3) Omit the definition of “police authority”.
- 235 In section 38 (local provision of youth justice services), in subsection (2)(a), for “police authority” substitute “local policing body”.
- 236 In section 41 (the Youth Justice Board), in subsection (10), for “police authority” substitute “local policing body”.
- 237 In section 42 (supplementary provisions), in subsection (1), omit the definition of “police authority”.
- 238 In section 115 (disclosure of information), in subsection (2)(c), for “police authority” substitute “local policing body”.

Police (Northern Ireland) Act 1998

- 239 In the Police (Northern Ireland) Act 1998, in Schedule 3 (the Police Ombudsman for Northern Ireland), in paragraph 8 (assistance by members of a police force in Great Britain), in sub-paragraph (2), after “to the” insert “local policing body”.

Regional Development Agencies Act 1998

- 240 In the Regional Development Agencies Act 1998, in section 7A (the London Development Agency Strategy), in subsection (5)(b) for “Metropolitan Police Authority” substitute “Mayor’s Office for Policing and Crime”.

Local Government Act 1999

- 241 The Local Government Act 1999 is amended as follows.
- 242 (1) Section 1 (best value authorities) is amended in accordance with this paragraph.
- (2) In subsection (1), for paragraph (d) substitute—
- “(d) the Common Council of the City of London in its capacity as a police authority;”.
- (3) Omit subsection (4).
- 243 In section 3A (involvement of local representatives), in subsection (3), for paragraph (a) substitute—
- “(a) the Common Council of the City of London in its capacity as a police authority;”.
- 244 In section 10 (inspections), omit subsection (5).
- 245 Omit section 10A (inspections: Auditor General for Wales).
- 246 In section 23 (accounts), in subsection (4), omit paragraph (za).
- 247 In section 29 (modifications for Wales), in subsection (1), omit the words from “except” to the end.

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

Criminal Justice and Court Services Act 2000

- 248 In the Criminal Justice and Court Services Act 2000, in section 71 (access to driver licensing records), in subsection (4), for paragraph (a) of the definition of “constables” substitute—
- “(a) persons appointed by a chief constable under paragraph 4 of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff of police forces outside London),
- (aa) persons appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4 to that Act (civilian staff of metropolitan police force).”.

Freedom of Information Act 2000

- 249 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 5, for paragraphs 57 and 58 substitute—
- “57 A police and crime commissioner.
- 58 The Mayor’s Office for Policing and Crime.”.

Learning and Skills Act 2000

- 250 The Learning and Skills Act 2000 is amended as follows.
- 251 In section 125 (consultation and co-ordination), for subsection (1)(c) substitute—
- “(c) a police and crime commissioner.”.
- 252 In section 129 (supplementary), in subsection (1), omit the definition of “police authority”.

Local Government Act 2000

- 253 The Local Government Act 2000 is amended as follows.
- 254 In section 21C (reports and recommendations of overview and scrutiny committees: duties of certain partner authorities), in subsection (8), in the definition of “relevant partner authority”, for paragraph (a) substitute—
- “(a) a local policing body, or”.
- 255 In section 21E (overview and scrutiny committees of certain district councils: functions with respect to partner authorities), in subsection (4), for paragraph (a)(ii) (a) substitute—
- “(a) a local policing body, or”.
- 256 In section 22A (overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities), in subsection (6), in the definition of “associated authority”, for paragraph (b)(i) substitute—
- “(i) a local policing body, or”.
- 257 (1) Section 49 (principles governing conduct of members of relevant authorities) is amended in accordance with this paragraph.
- (2) In subsection (1), omit “and police authorities in Wales”.
- (3) In subsection (2), omit “(other than police authorities)”.

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

- (4) Omit subsection (4).
- (5) In subsection (6), omit paragraphs (h) and (m).
- 258 (1) Section 50 (model codes of conduct) is amended in accordance with this paragraph.
 - (2) In subsection (1), omit “and police authorities in Wales”.
 - (3) In subsection (2), omit “other than police authorities”.
- 259 (1) Section 51 (duty of relevant authorities to adopt codes of conduct) is amended in accordance with this paragraph.
 - (2) In subsection (4A), omit “or police authority in Wales”.
 - (3) In subsection (4C), omit “other than a police authority”.
 - (4) In subsection (6)(c)(i), omit “or a police authority in Wales”.
- 260 (1) Section 53 (standards committees) is amended in accordance with this paragraph.
 - (2) In subsections (3) and (4), omit “or a police authority in Wales”.
 - (3) In subsections (6)(a) and (7)(a), omit “and police authorities in Wales”.
 - (4) In subsection (8), omit “or a police authority in Wales”.
 - (5) In subsection (9), omit “and a police authority in Wales”.
 - (6) In subsection (10), omit “or a police authority in Wales”.
 - (7) In subsection (11)—
 - (a) in paragraph (a), omit “other than police authorities”;
 - (b) in paragraph (k), omit “(other than police authorities)”.
- 261 (1) Section 54 (functions of standards committees) is amended in accordance with this paragraph.
 - (2) In subsection (4), omit “and police authorities in Wales”.
 - (3) In subsection (5), omit “(other than police authorities)”.
 - (4) In subsection (6), omit “and police authorities in Wales”.
 - (5) In subsection (7), omit “(other than police authorities)”.
- 262 (1) Section 54A (sub-committees of standards committees) is amended in accordance with this paragraph.
 - (2) In subsection (4), omit “or of a police authority in Wales”.
 - (3) In subsection (5), omit “other than a police authority”.
- 263 In section 57 (Standards Board for England), in subsection (5)(b) and (c), omit “and police authorities in Wales”.
- 264 In section 68 (Public Services Ombudsman for Wales), in subsection (2)(a) and (b), omit “(other than police authorities)”.
- 265 In section 73 (matters referred to monitoring officers), omit subsection (6).

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

- 266 (1) Section 81 (disclosure and registration of members' interests etc) is amended in accordance with this paragraph.
- (2) In subsection (7)(b), omit “or a police authority in Wales”.
- (3) In subsection (8), omit “(other than police authorities)”.
- 267 (1) Section 82 (code of conduct for local government employees) is amended in accordance with this paragraph.
- (2) In subsection (1), omit “and police authorities in Wales”.
- (3) In subsection (2), omit “(other than police authorities)”.
- 268 In section 83 (interpretation of Part 3), in subsection (1), omit the definition of “police authority”.
- 269 (1) Section 101 (indemnification of members and officers of relevant authorities) is amended in accordance with this paragraph.
- (2) In subsection (1), omit “and police authorities in Wales”.
- (3) In subsection (2), omit “(other than police authorities)”.
- (4) In subsection (5), for ““police authority” and “relevant authority” have” substitute ““relevant authority” has”.

Criminal Justice and Police Act 2001

- 270 The Criminal Justice and Police Act 2001 is amended as follows.
- 271 In section 97 (regulations for police forces)—
- (a) in subsection (3)(a), for “police authorities” substitute “local policing bodies”;
- (b) for subsection (4)(c), substitute—
- “(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (ca) the Mayor’s Office for Policing and Crime;
- (cb) the Common Council of the City of London; and”.
- 272 In section 98 (directions after inspection identifies training needs), in subsections (1) and (2) for “police authority” substitute “local policing body”.

Private Security Industry Act 2001

- 273 (1) In the Private Security Industry Act 2001, Schedule 2 (activities liable to control under the Act) is amended as follows.
- (2) In paragraph 2 (manned guarding), in sub-paragraph (7)—
- (a) in sub-paragraph (f)—
- (i) for “person employed by a police authority” substitute “relevant employee”;
- (ii) for “police authority employees” substitute “civilian staff”;
- (b) in sub-paragraph (i), for “police authority employees” substitute “civilian staff”.

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

- (3) In paragraph 3 (immobilisation of vehicles), in sub-paragraph (3A)(c), for “police authority employees” substitute “civilian staff”.
- (4) In paragraph 3A (restriction and removal of vehicles), in sub-paragraph (6)—
 - (a) in sub-paragraph (c), for “police authority” substitute “local policing body”;
 - (b) in sub-paragraph (e), for “police authority employees” substitute “civilian staff”.

Vehicles (Crime) Act 2001

- 274 The Vehicles (Crime) Act 2001 is amended as follows.
- 275 In section 18 (register of registration plate suppliers), in subsection (9), for paragraph (a) substitute—
 - “(a) members of the civilian staff of a police force, including the metropolitan police force, (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),
 - (aa) persons employed by the Common Council of the City of London who are under the direction and control of the Commissioner of Police for the City of London,”.
- 276 In section 38 (unified power for Secretary of State to fund speed cameras etc), in subsection (5)(b), for the words from “any police authority” to “Metropolitan Police Authority” substitute “any police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Police Reform Act 2002

- 277 The Police Reform Act 2002 is amended as follows.
- 278 (1) Section 10 (general functions of the Commission) is amended in accordance with this paragraph.
 - (2) In subsection (1), in paragraphs (a) and (f), for “police authorities” substitute “local policing bodies”.
 - (3) In subsection (3)(d), for “police authority” substitute “local policing body”.
- 279 In section 11 (reports to the Secretary of State), in subsections (6)(a), (7)(a), (9) and (10)(b), for “police authority” substitute “local policing body”.
- 280 In section 12 (complaints, matters and persons to which Part 2 applies), in subsection (7)—
 - (a) after paragraph (a) insert—
 - “(aa) he is a civilian employee of a police force;”;
 - (b) in paragraph (b), for “a police authority” substitute “the Common Council of the City of London”.
- 281 (1) Section 15 (general duties of police authorities, chief constables and inspectors) is amended in accordance with this paragraph.
 - (2) In the title, for “**police authorities**” substitute “**local policing bodies**”.
 - (3) In subsections (1)(a) and (3)(a), for “police authority” substitute “local policing body”.

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

- (4) In subsection (3)(c), for “police authority” substitute “local policing body”.
 - (5) In subsections (4)(a), (5)(a), (6) and (8A), for “police authority” substitute “local policing body”.
- 282 (1) Section 16 (payment for assistance with investigations) is amended in accordance with this paragraph.
- (2) In subsection (3)—
 - (a) for “police authority” (in each place) substitute “local policing body”;
 - (b) in paragraph (b)(i), for “police authorities” substitute “local policing bodies”.
 - (3) In subsection (4)—
 - (a) for “police authority” substitute “local policing body”;
 - (b) in paragraph (a), for “that authority” substitute “that body”;
 - (c) in paragraph (b)(i), for “police authorities” substitute “local policing bodies”.
 - (4) In subsection (5), for “police authority” substitute “local policing body”.
 - (5) In subsection (6), for “police authorities” (in each place) substitute “local policing bodies”.
- 283 (1) Section 16A (police investigations: National Police Improvement Agency involvement) is amended in accordance with this paragraph.
- (2) In subsection (1), for “police authority” substitute “local policing body”.
 - (3) In subsection (7)—
 - (a) for “police authority” substitute “local policing body”;
 - (b) in paragraph (b)(i), for “police authorities” substitute “local policing bodies”.
- 284 In section 17 (provision of information to the Commission)—
- (a) in subsection (1)(a), for “police authority” substitute “local policing body”;
 - (b) in subsection (2)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) in paragraph (a), for “that authority” substitute “that body”;
 - (c) in subsection (4)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) in paragraphs (a) and (b), for “that authority” substitute “that body”;
 - (d) in subsection (6), for “police authority” substitute “local policing body”.
- 285 In section 18 (inspections of police premises on behalf of Commission)—
- (a) in subsection (1)—
 - (i) for “the authority” substitute “the body”;
 - (ii) in paragraph (a), for “police authority” substitute “local policing body”;
 - (b) in subsection (3), for “the authority” substitute “the body”;
 - (c) in subsection (5)(b), for “police authorities” substitute “local policing bodies”.

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

- 286 In section 20 (duty to keep the complainant informed), in subsection (8), for “police authority” substitute “local policing body”.
- 287 (1) Section 22 (power of Commission to issue guidance) is amended as follows.
- (2) In subsection (1)(a), for “police authorities” substitute “local policing bodies”.
- (3) In subsection (3), for paragraph (a) substitute—
- “(a) such persons as appear to the Commission to represent the views of police and crime commissioners;
 - (aa) the Mayor’s Office for Policing and Crime;
 - (ab) the Common Council;”.
- 288 In section 23 (regulations), in subsection (2)(n), for “police authorities” substitute “local policing bodies”.
- 289 In section 24 (consultation on regulations), for paragraph (b) substitute—
- “(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (ba) the Mayor’s Office for Policing and Crime;
 - (bb) the Common Council;”.
- 290 (1) Section 26 (forces maintained otherwise than by police authorities) is amended in accordance with this paragraph.
- (2) In the title, for “**police authorities**” substitute “**local policing bodies**”.
- (3) In subsections (1)(b) and (2), for “police authority” substitute “local policing body”.
- 291 In section 29 (interpretation of Part 2), in subsection (1)—
- (a) in the definition of “appropriate authority”—
 - (i) in paragraph (a)(i), for “a senior officer, the police authority” substitute “the chief officer or an acting chief officer, the local policing body”;
 - (ii) in paragraph (a)(ii), for “a senior officer” substitute “the chief officer or an acting chief officer”;
 - (iii) in paragraph (b)(i), for “a senior officer, the police authority” substitute “the chief officer or an acting chief officer, the local policing body”;
 - (iv) in paragraph (b)(ii), for “a senior officer” substitute “the chief officer or an acting chief officer”;
 - (v) after paragraph (b)(ii) insert—

“and, for the purposes of this definition, “acting chief officer” means a person exercising or performing functions of a chief constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011; a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of that Act; or a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839;”;
 - (b) in the definition of “relevant force”, for paragraph (a) substitute—

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

- “(a) if that authority is a local policing body, the police force which the body is responsible for maintaining; and”;
- (c) omit the definition of “senior officer”.
- 292 (1) Section 38 (police powers for police authority employees) is amended in accordance with this paragraph.
- (2) In the title, for “**police authority employees**” substitute “**civilian staff**”.
- (3) In subsection (1), for the words from “designate” to “an officer” substitute “designate a relevant employee as an officer”.
- (4) In subsection (7), for “An employee of a police authority” substitute “A relevant employee”.
- (5) After subsection (9) insert—
- “(11) In this section “relevant employee” means—
- (a) in the case of—
- (i) a police force maintained for a police area in accordance with section 2 of the Police Act 1996, or
- (ii) the police force maintained for the metropolitan police district in accordance with section 5A of that Act,
- a member of the civilian staff of that police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);
- (b) in the case of any other police force, a person who—
- (i) is employed by the police authority maintaining that force, and
- (ii) is under the direction and control of the chief officer making a designation under subsection (1).”.
- 293 In section 38A (standard powers and duties of community support officers), in subsection (3), for paragraph (a) substitute—
- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (ab) the Mayor’s Office for Policing and Crime;
- (ac) the Common Council of the City of London; and”.
- 294 (1) Section 39 (police powers for contracted out staff) is amended in accordance with this paragraph.
- (2) In subsections (1) and (2), for “police authority” substitute “local policing body”.
- (3) In subsection (11), for paragraph (a) substitute—
- “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (aa) the Mayor’s Office for Policing and Crime;
- (ab) the Common Council of the City of London; and”.
- (4) In subsection (13)(b), for “police authority” substitute “local policing body”.
- 295 (1) Section 40 (community safety accreditation schemes) is amended in accordance with this paragraph.

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

- (2) In subsection (4)(a), for “police authority” substitute “local policing body”.
- (3) In subsection (5), for paragraph (a) substitute—
 - “(a) the Mayor’s Office for Policing and Crime;”.
- (4) In subsection (7)—
 - (a) for “police plan under section 8 of the 1996 Act” substitute “police and crime plan under section 5 or 6 of the Police Reform and Social Responsibility Act 2011”;
 - (b) omit the words from “and every draft” to “this section,” (in the second place);
 - (c) for “police authority” (in each place) substitute “local policing body”.
- 296 In section 42 (supplementary provisions relating to designations and accreditations), in subsection (7)—
 - (a) for “police authority” (in each place) substitute “chief officer of police or local policing body”;
 - (b) for “that authority” substitute “that chief officer or body”.
- 297 In section 43 (railway safety accreditation scheme), in subsection (9), for paragraph (c) substitute—
 - “(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (ca) the Mayor’s Office for Policing and Crime;
 - (cb) the Common Council of the City of London; and”.
- 298 In section 45 (code of practice relating to chief officers’ powers under Chapter 1), in subsection (3), for paragraph (c) substitute—
 - “(c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (ca) the Mayor’s Office for Policing and Crime;
 - (cb) the Common Council of the City of London; and”.
- 299 (1) Section 51 (independent custody visitors for places of detention) is amended in accordance with this paragraph.
 - (2) In subsection (1), for “police authority” substitute “local policing body”.
 - (3) In subsection (1A) (inserted by section 117 of the Coroners and Justice Act 2009), for “police authority” substitute “local policing body”.
 - (4) In subsection (2)—
 - (a) in paragraph (a), for “police authority” substitute “local policing body”;
 - (b) in paragraph (b), for “that authority” substitute “that body”.
 - (5) In subsection (3), for “police authority” substitute “local policing body”.
 - (6) In subsection (6), for “police authorities” substitute “local policing bodies”.
 - (7) In subsection (7), for paragraph (a) substitute—
 - “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (aa) the Mayor’s Office for Policing and Crime;
 - (ab) the Common Council of the City of London;”.

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

- (8) In subsection (9), for “Police authorities” substitute “local policing bodies”.
- (9) In subsection (10)—
- (a) before its substitution by virtue of section 117 of the Coroners and Justice Act 2009, for “police authority” substitute “local policing body”;
 - (b) as substituted by virtue of section 117 of the Coroners and Justice Act 2009, for “police authority” substitute “local policing body”.
- 300 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 1 (handling of complaints) is amended in accordance with this paragraph.
- (2) In paragraph 1—
- (a) in sub-paragraphs (1), (2)(b) and (5), for “police authority” substitute “local policing body”;
 - (b) in sub-paragraph (6), for “police authority” substitute “local policing body”.
- (3) In paragraph 2—
- (a) in sub-paragraphs (2) and (5), for “police authority” substitute “local policing body”;
 - (b) in sub-paragraph (6)(a)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) for “the authority” substitute “the body”;
 - (c) in sub-paragraph (6)(c), for “police authority” substitute “local policing body”;
 - (d) in sub-paragraph (6), in the words after sub-paragraph (c), for “the authority” substitute “the body”.
- (4) In paragraph 3—
- (a) in sub-paragraph (1), for “police authority” substitute “local policing body”;
 - (b) in sub-paragraph (2)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) for “the authority” substitute “the body”;
 - (c) in sub-paragraphs (3), (4) (in each place), and (6) (in each place), for “police authority” substitute “local policing body”.
- (5) In paragraph 4—
- (a) in sub-paragraph (3)—
 - (i) for “police authority” (in each place) substitute “local policing body”;
 - (ii) in sub-paragraph (a), for “that authority” substitute “that body”;
 - (b) in sub-paragraph (5)(b), for “police authority” substitute “local policing body”;
 - (c) in sub-paragraph (6)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) in sub-paragraph (b), for “that authority” substitute “that body”.
- (6) In paragraph 5(1), for “police authority” substitute “local policing body”.
- 301 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 2 (handling of conduct matters) is amended in accordance with this paragraph.
- (2) In paragraph 10—

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

- (a) in sub-paragraph (1)—
 - (i) in sub-paragraph (a) for “police authority” (in each place) substitute “local policing body”;
 - (ii) in sub-paragraphs (a) and (b), for “that authority” substitute “that body”;
 - (b) in sub-paragraph (2), for “the authority” substitute “the body”;
 - (c) in sub-paragraph (3), for “police authority” substitute “local policing body”.
- (3) In paragraph 11(1)(a), for “police authority” substitute “local policing body”.
- (4) In paragraph 12—
- (a) in sub-paragraph (1)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) for “that authority” substitute “that body”;
 - (b) in sub-paragraph (5), for “police authority” substitute “local policing body”;
 - (c) in sub-paragraph (6), for “police authority” substitute “local policing body”.
- (5) In paragraph 13—
- (a) in sub-paragraph (1)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) for “the authority” substitute “the body”;
 - (b) in sub-paragraph (3)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) in sub-paragraph (b), for “police authority” substitute “local policing body”;
 - (c) in sub-paragraph (5)(b), for “police authority” substitute “local policing body”;
 - (d) in sub-paragraph (6)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) for “that authority” (in each place) substitute “that body”.
- (6) In paragraph 14(1), for “police authority” substitute “local policing body”.
- 302 (1) In Schedule 3 (handling of complaints and conduct matters etc), Part 2A (handling of death and serious injury matters) is amended in accordance with this paragraph.
- (2) In paragraph 14A(1), for “police authority” substitute “local policing body”.
- (3) In paragraph 14B—
- (a) in sub-paragraph (1)—
 - (i) for “police authority” substitute “local policing body”;
 - (ii) for “that authority” (in each place) substitute “that body”;
 - (b) in sub-paragraph (5), for “police authority” substitute “local policing body”;
 - (c) in sub-paragraph (6), for “police authority” substitute “local policing body”.
- (4) In paragraph 14D(1), for “police authority” substitute “local policing body”.
- 303 In Schedule 4 (powers exercisable by police civilians), in paragraph 7 (confiscation of tobacco etc), for “police authority” substitute “local policing body”.

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

Proceeds of Crime Act 2002

- 304 The Proceeds of Crime Act 2002 is amended as follows.
- 305 In section 55 (sums received by designated officer), in subsection (8)—
- (a) after paragraph (a) insert—
 - “(aa) a member of a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),
 - (ab) a member of the staff of the Mayor’s Office for Policing and Crime (within the meaning of that Part of that Act),
 - (ac) a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act),”;
 - (b) in paragraph (b), omit the words from “a person” to “or”.
- 306 In section 302 (compensation), in subsection (7A)(a), for sub-paragraph (i) substitute—
- “(i) who was a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act), or”.

Anti-social Behaviour Act 2003

- 307 The Anti-social Behaviour Act 2003 is amended as follows.
- 308 In section 8 (reimbursement of costs)—
- (a) in subsection (1), for “A police authority” substitute “A local policing body”;
 - (b) in subsection (4)—
 - (i) in paragraph (a), for “the police authority” substitute “the local policing body”;
 - (ii) in paragraph (b), for “a police authority” substitute “a local policing body”.
- 309 In section 11H (Part 1A closure order: reimbursement of costs)—
- (a) in subsection (1), for “A police authority” substitute “A local policing body”;
 - (b) in subsection (4)—
 - (i) in paragraph (a), for “the police authority” substitute “the local policing body”;
 - (ii) in paragraph (b), for “a police authority” substitute “a local policing body”.

Courts Act 2003

- 310 The Courts Act 2003 is amended as follows.
- 311 In section 8 (local justice areas), in subsection (7), for paragraph (c) substitute—
- “(c) a police and crime commissioner or the Mayor’s Office for Policing and Crime.”.
- 312 In section 41 (disqualification of lay justices who are members of local authorities), in subsection (6)(c), for the words from “a police authority” to “Metropolitan Police

Authority” substitute “a police and crime commissioner, the Mayor’s Office for Policing and Crime”.

Criminal Justice Act 2003

- 313 In the Criminal Justice Act 2003, in section 221 (provision of attendance centres), in subsection (3)—
- (a) for “police authority” substitute “local policing body”;
 - (b) for “that authority” substitute “that authority or body”.

Finance Act 2003

- 314 In the Finance Act 2003, in Schedule 9 (stamp duty land tax: right to buy, shared ownership leases etc), for “police authority” (in the first place) substitute “local policing body”.

Licensing Act 2003

- 315 In the Licensing Act 2003, in section 170 (exemption of police from liability for damages), in subsection (4A)—
- (a) after “such a person” insert “exercising such powers by virtue of such a designation by the Commissioner of Police of the City of London”;
 - (b) for “a police authority” substitute “the Common Council of the City of London”.

Local Government Act 2003

- 316 The Local Government Act 2003 is amended as follows.
- 317 In section 23 (meaning of “local authority”), in subsection (1), for paragraph (n) substitute—
- “(n) a police and crime commissioner;”.
- 318 In section 25 (budget calculations: report on robustness of estimates etc), in subsection (3)—
- (a) in paragraph (d), omit “or”;
 - (b) at the end of paragraph (e), insert “or
 - (f) Schedule 1, 2 or 4 to the Police Reform and Social Responsibility Act 2011”.
- 319 In section 33 (interpretation of Chapter 1), in subsection (1), for paragraph (m) substitute—
- “(m) a police and crime commissioner.”.
- 320 In section 95 (power to trade in function-related activities through a company), in subsection (7)—
- (a) omit the definition of “police authority”;
 - (b) in the definition of “relevant authority”, for “a police authority or” substitute “the Common Council of the City of London in its capacity as a police authority and”.
- 321 In section 101 (staff transfer matters: general), omit subsection (7).

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

Railways and Transport Safety Act 2003

- 322 The Railways and Transport Safety Act 2003 is amended as follows.
- 323 In section 25 (special constables), in subsection (5)(d), for “police authority” substitute “local policing body”.
- 324 In section 28 (exercise of powers by civilians), in subsection (1)(a), for “police authority employees” substitute “civilian staff”.
- 325 In section 45 (regulation of procedure and practice), omit subsection (2)(a).
- 326 In section 50 (policing objectives: Authority), in subsection (3)—
- (a) in paragraph (a), at the end insert “and”;
 - (b) omit paragraph (c) (and the word “and” at the end of paragraph (b)).
- 327 In section 55 (three-year strategy plan)—
- (a) in paragraph (b), at the end insert “and”;
 - (b) omit paragraph (d) (and the word “and” at the end of paragraph (c)).
- 328 In Schedule 4 (British Transport Police Authority), in paragraph 7 (disqualification), for sub-paragraph (2)(c) substitute—
- “(c) a member of a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),
 - (ca) a member of the staff of the Mayor’s Office for Policing and Crime (within the meaning of that Part of that Act),
 - (cb) a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act), or”.

Sexual Offences Act 2003

- 329 In the Sexual Offences Act 2003, in section 136M (reimbursement of costs), for “police authority” (in each place) substitute “local policing body”.

Children Act 2004

- 330 The Children Act 2004 is amended as follows.
- 331 In section 10 (co-operation to improve well-being: England), in subsection (4)(b), for “the police authority” substitute “the local policing body”.
- 332 In section 11 (arrangements to safeguard and promote welfare: England), in subsection (1)(h), for “police authority” substitute “local policing body”.
- 333 In section 25 (co-operation to improve well-being: Wales), in subsection (4)(a), for “the police authority” substitute “the local policing body”.
- 334 In section 28 (arrangements to safeguard and promote welfare: Wales), in subsection (1)(d), for “police authority” substitute “local policing body”.

Housing Act 2004

- 335 In the Housing Act 2004, in Schedule 14 (buildings which are not HMOs), in paragraph 2(1) (buildings controlled or managed by public sector bodies etc), for sub-paragraphs (c) and (d) substitute—

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

- “(c) a police and crime commissioner,
- (d) the Mayor’s Office for Policing and Crime,”.

Public Audit (Wales) Act 2004

- 336 The Public Audit (Wales) Act 2004 is amended as follows.
- 337 In section 12 (local government bodies in Wales), in subsection (1)—
- (a) in paragraph (f), for “police authority” substitute “police and crime commissioner”;
 - (b) after paragraph (f), insert—
 - “(fa) a chief constable of a police force maintained under section 2 of the Police Act 1996 for a police area in Wales;”.
- 338 (1) Section 40 (documents relating to police authorities) is amended in accordance with this paragraph.
- (2) In the title, for “**police authorities**” substitute “**police and crime commissioners and chief constables**”.
 - (3) In subsection (1), for “police authority for” substitute “police and crime commissioner for, or the chief constable of a police force maintained under section 2 of the Police Act 1996 for,”.
 - (4) In subsection (2)—
 - (a) for “police authorities” substitute “police and crime commissioners”;
 - (b) for “police authority” substitute “police and crime commissioner”.
 - (5) After subsection (2) insert—
 - “(3) If the Auditor General for Wales has sent a document (or a copy of a document) relating to one or more chief constables of police forces maintained under section 2 of the Police Act 1996 for a police area in Wales, the Auditor General may send a copy of the document to the persons to whom a copy of a document may be sent under subsection (2).”.
- 339 In section 46 (performance standards: relevant bodies), in subsection (1)(d), for “police authority” substitute “police and crime commissioner”.

Drugs Act 2005

- 340 In the Drugs Act 2005, in section 19 (interpretation), for subsection (7) substitute—
- “(7) Police support officer” means—
 - (a) persons appointed by a chief constable under paragraph 4 of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff of police forces outside London), and
 - (b) persons appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4 to that Act (civilian staff of metropolitan police force).”.

Public Services Ombudsman (Wales) Act 2005

- 341 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

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

- 342 In Schedule 2 (excluded matters), in paragraph 1, for “police authority” substitute “police and crime commissioner”.
- 343 In Schedule 3 (listed authorities), for “police authority” substitute “police and crime commissioner”.

Serious Organised Crime and Police Act 2005

- 344 The Serious Organised Crime and Police Act 2005 is amended as follows.
- 345 (1) Section 6 (annual plans) is amended in accordance with this paragraph.
- (2) In subsection (7)(d)—
- (a) at the beginning insert “each local policing body for an area in England and Wales,”;
- (b) for “Great Britain” substitute “Scotland”.
- (3) In subsection (8), for “Great Britain” substitute “Scotland”.
- 346 (1) Section 7 (annual reports) is amended in accordance with this paragraph.
- (2) In subsection (4)(d)—
- (a) at the beginning insert “each local policing body for an area in England and Wales,”;
- (b) for “Great Britain” substitute “Scotland”.
- (3) In subsection (5), for “Great Britain” substitute “Scotland”.
- 347 (1) Section 23 (mutual assistance between SOCA and law enforcement agencies: voluntary arrangements) is amended in accordance with this paragraph.
- (2) In subsections (8) and (9), for “relevant police authority” substitute “relevant policing body”.
- (3) In subsection (11), in the definition of “relevant police authority”—
- (a) for “relevant police authority” substitute “relevant policing body”;
- (b) before paragraph (a) insert—
- “(za) in relation to a police force in England or Wales, the local policing body maintaining that force,”;
- (c) in paragraph (a), for “Great Britain” substitute “Scotland”.
- 348 (1) Section 26 (use by SOCA of police premises etc) is amended in accordance with this paragraph.
- (2) In subsection (1)(a), for “relevant police authority” substitute “relevant policing body”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “relevant police authority” substitute “relevant policing body”;
- (b) for “that authority” substitute “that body”.
- (4) In subsection (3)—
- (a) for “relevant police authority” substitute “relevant policing body”;
- (b) in paragraphs (a) and (b), for “that body” substitute “SOCA or that body”.
- (5) In subsection (6)—

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

- (a) for “relevant police authority” substitute “relevant policing body”;
 - (b) for “that authority” substitute “that body”.
- (6) In subsection (7)—
- (a) for “relevant police authority” substitute “relevant policing body”;
 - (b) for “the police authority” substitute “the local policing body”.
- 349 (1) Section 155 (payments by Secretary of State to police authorities in relation to the prevention, detection and enforcement of certain traffic offences) is amended in accordance with this paragraph.
- (2) In the title, for “**police authority**” substitute “**local policing body**”.
- (3) In subsection (1), for “police authority” substitute “local policing body”.
- 350 In Schedule 5 (persons specified for the purposes of section 82), in paragraph 14(a), for “police authority employees” substitute “civilian staff”.

Government of Wales Act 2006

- 351 The Government of Wales Act 2006 is amended as follows.
- 352 In section 72 (partnership council), in subsection (5)(c), for “police authorities” substitute “police and crime commissioners”.
- 353 In Part 1 of Schedule 7 (Assembly Acts: subjects), in paragraph 12 for “police authorities” substitute “police and crime commissioners”.

London Olympic Games and Paralympic Games Act 2006

- 354 The London Olympic Games and Paralympic Games Act 2006 is amended as follows.
- 355 In section 21 (offence), in subsection (4), after “pay to” insert “a local policing body,”.
- 356 In section 22 (enforcement of power of entry)—
- (a) in subsection (8), after “compensation from” insert “a local policing body,”;
 - (b) in subsection (9), after “A” (at the beginning) insert “local policing body, a”.
- 357 In section 28 (enforcement of power of entry)—
- (a) in subsection (6), after “compensation from” insert “a local policing body,”;
 - (b) in subsection (7), after “A” (at the beginning) insert “local policing body, a”.

Police and Justice Act 2006

- 358 The Police and Justice Act 2006 is amended as follows.
- 359 In section 6 (consultation with APA and ACPO), omit subsection (2)(a).
- 360 (1) Schedule 1 (National Policing Improvement Agency) is amended as follows.
- (2) In paragraph 5 (annual plans)—
- (a) in sub-paragraph (6)(b), for “police authority” substitute “local policing body”;

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

- (b) in sub-paragraph (7), for paragraph (b) substitute—
 - “(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
 - (ba) the Mayor’s Office for Policing and Crime,
 - (bb) the Common Council of the City of London.”.
- (3) In paragraph 6 (strategic priorities), for sub-paragraph (2)(c) (and the word “and” at the end of sub-paragraph (2)(b)) substitute—
 - “(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
 - (c) the Mayor’s Office for Policing and Crime, and
 - (d) the Common Council of the City of London.”.
- (4) In paragraph 7 (chairman and other members)—
 - (a) for sub-paragraph (2)(a) substitute—
 - “(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
 - (ab) the Mayor’s Office for Policing and Crime,
 - (ac) the Common Council of the City of London, and”;
 - (b) in sub-paragraph (4)(a), for “nominated by the Association of Police Authorities” substitute “who is a police and crime commissioner”.
- (5) In paragraph 28 (annual reports), in sub-paragraph (4)(b), for “police authority” substitute “local policing body”.
- (6) In the italic heading before paragraph 35 (Payments by Agency to police authorities), after “to” insert “local policing bodies”.
- (7) In paragraph 35, in sub-paragraph (a), for “police authorities” substitute “local policing bodies”.
- (8) In paragraph 48 (power to modify objects, functions and strategy of the Agency), in sub-paragraph (10), for sub-paragraph (b) substitute—
 - “(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
 - (c) the Mayor’s Office for Policing and Crime,
 - (d) the Common Council of the City of London, and”.

Safeguarding Vulnerable Groups Act 2006

- 361 In the Safeguarding Vulnerable Groups Act 2006, in Schedule 3 (barred lists), in paragraph 19 (information), in sub-paragraph (4), for “police authority” substitute “local policing body”.

Violent Crime Reduction Act 2006

- 362 The Violent Crime Reduction Act 2006 is amended as follows.
- 363 In section 18 (functions of local chief officer of police), for “police authority” (in each place), substitute “local policing body”.
- 364 In section 19 (guidance about the designation of zones)—
 - (a) for “police authorities” (in each place) substitute “local policing bodies”;

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

- (b) for “police authority” substitute “local policing body”.

Corporate Manslaughter and Corporate Homicide Act 2007

- 365 In the Corporate Manslaughter and Corporate Homicide Act 2007, in section 13 (application to police forces), in subsection (3)(b), for “police authority” substitute “local policing body”.

Local Government and Public Involvement in Health Act 2007

- 366 The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- 367 In section 104 (application of Chapter 1 of Part 5: partner authorities), for subsection (2)(e) substitute—
“(e) a local policing body;”.
- 368 In section 123 (joint overview and scrutiny committees), in subsection (7) for “a police authority” substitute “a local policing body”.
- 369 In section 212 (entities controlled etc by local authorities), in subsection (7), in paragraph (a) of the definition of “local authority”, after “that Act” insert “, apart from a police and crime commissioner”.

Serious Crime Act 2007

- 370 In the Serious Crime Act 2007, in section 39 (compliance with orders: authorised monitors), in subsection (10), in the definition of “law enforcement agency”—
(a) before paragraph (a) insert—
“(za) the chief constable of a police force maintained under section 2 of the Police Act 1996;
(zb) the Commissioner of Police of the Metropolis;
(zc) the Common Council of the City of London in its capacity as police authority;”;
(b) in paragraph (a), omit “a police authority or”.

Pensions Act 2008

- 371 (1) In the Pensions Act 2008, section 95 (police) is amended as follows.
- (2) In subsection (1), after “by the” insert “relevant local policing body or”.
- (3) In subsection (2)—
(a) after “A” (in the first place) insert “local policing body, or a”;
(b) after “relevant” insert “local policing body, or relevant”.

Coroners and Justice Act 2009

- 372 In the Coroners and Justice Act 2009, in section 24 (provision of staff and accommodation), in subsection (2), for “police authority” substitute “local policing body”.

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

Local Democracy, Economic Development and Construction Act 2009

- 373 The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- 374 In section 2 (democratic arrangements of connected authorities)—
- (a) for subsection (3)(f) substitute—
“ (f) a local policing body;”;
 - (b) for subsection (5)(e) substitute—
“ (e) a local policing body;”.
- 375 In section 23 (duty of public authorities to secure involvement), in subsection (2), for paragraph (j) substitute—
“(j) the Common Council of the City of London in its capacity as a police authority;”.
- 376 In section 35 (mutual insurance: supplementary), in subsection (2), for paragraph (k) substitute—
“(k) the Common Council of the City of London in its capacity as a police authority;”.
- 377 In section 123 (partner authorities), for subsection (2)(d) substitute—
“(d) a local policing body;”.

Policing and Crime Act 2009

- 378 In the Policing and Crime Act 2009, in section 2 (Police Senior Appointments Panel), omit subsection (1).

Child Poverty Act 2010

- 379 In the Child Poverty Act 2010, in section 20(2)(b) (partner authorities), for “police authority” substitute “local policing body”.

Equality Act 2010

- 380 The Equality Act 2010 is amended as follows.
- 381 In section 1 (public sector duty regarding socio-economic duties), in subsection (3) (k), for “police authority” substitute “police and crime commissioner”.
- 382 In section 43 (interpretation of section 42)—
- (a) in subsection (3), for “police authority” (in each place) substitute “local policing body or police authority”;
 - (b) in subsection (8), for paragraph (d) substitute—
“ (d) the Police Reform and Social Responsibility Act 2011.”.
- 383 In Schedule 19 (public authorities), in Part 1, under the heading “*Police*”, for “The Metropolitan” to “section 3 of that Act”, substitute—
“A police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.
The Mayor’s Office for Policing and Crime established under section 3 of that Act.”.

SCHEDULE 17

Section 151

TEMPORARY CLASS DRUG ORDERS

Amendments of the Misuse of Drugs Act 1971

- 1 The Misuse of Drugs Act 1971 is amended in accordance with paragraphs 2 to 20.
- 2 In section 2 (controlled drugs and their classification for purposes of Act), in subsection (1)—
 - (a) in paragraph (a), for the words after “specified” substitute “—
 - (i) in Part I, II or III of Schedule 2, or
 - (ii) in a temporary class drug order as a drug subject to temporary control (but this is subject to section 2A(6));”, and
 - (b) at the end of paragraph (b) insert “, and
 - (c) the expression “temporary class drug” means any substance or product which is for the time being a controlled drug by virtue of a temporary class drug order;”.
- 3 After section 2 insert—

“2A Temporary class drug orders

- (1) The Secretary of State may make an order (referred to in this Act as a “temporary class drug order”) specifying any substance or product as a drug subject to temporary control if the following two conditions are met.
- (2) The first condition is that the substance or product is not a Class A drug, a Class B drug or a Class C drug.
- (3) The second condition is that—
 - (a) the Secretary of State has consulted in accordance with section 2B and has determined that the order should be made, or
 - (b) the Secretary of State has received a recommendation under that section that the order should be made.
- (4) The Secretary of State may make the determination mentioned in subsection (3)(a) only if it appears to the Secretary of State that—
 - (a) the substance or product is a drug that is being, or is likely to be, misused, and
 - (b) that misuse is having, or is capable of having, harmful effects.
- (5) A substance or product may be specified in a temporary class drug order by reference to—
 - (a) the name of the substance or product, or
 - (b) a description of the substance or product (which may take such form as the Secretary of State thinks appropriate for the purposes of the specification).
- (6) A substance or product specified in a temporary class drug order as a drug subject to temporary control ceases to be a controlled drug by virtue of the order—

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

- (a) at the end of one year beginning with the day on which the order comes into force, or
 - (b) if earlier, upon the coming into force of an Order in Council under section 2(2) by virtue of which the substance or product is specified in Part 1, 2 or 3 of Schedule 2.
- (7) Subsection (6)—
- (a) is subject to subsection (10), and
 - (b) is without prejudice to the power of the Secretary of State to vary or revoke a temporary class drug order by a further order.
- (8) The power of the Secretary of State to make an order under this section is subject to section 2B.
- (9) An order under this section is to be made by statutory instrument.
- (10) An order under this section—
- (a) must be laid before Parliament after being made, and
 - (b) ceases to have effect at the end of the period of 40 days beginning with the day on which the order is made unless before the end of that period the order is approved by a resolution of each House of Parliament.
- (11) In calculating that period of 40 days no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (12) Subsection (10)(b)—
- (a) is without prejudice to anything previously done or to the power of the Secretary of State to make a new order under this section;
 - (b) does not apply to an order that only revokes a previous order under this section.

2B Orders under section 2A: role of Advisory Council etc

- (1) Before making an order under section 2A the Secretary of State—
- (a) must consult as mentioned in subsection (2), or
 - (b) must have received a recommendation from the Advisory Council to make the order.
- (2) The Secretary of State must consult—
- (a) the Advisory Council, or
 - (b) if the order is to be made under section 2A(1) and the urgency condition applies, the person mentioned in subsection (3).
- (3) The person referred to in subsection (2)(b) is—
- (a) the person who is for the time being the chairman of the Advisory Council appointed under paragraph 1(3) of Schedule 1, or
 - (b) if that person has delegated the function of responding to consultation under subsection (1)(a) to another member of the Advisory Council, that other member.

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

- (4) The “urgency condition” applies if it appears to the Secretary of State that the misuse of the substance or product to be specified in the order as a drug subject to temporary control, or the likelihood of its misuse, poses an urgent and significant threat to public safety or health.
- (5) The duty of the Advisory Council or any other person consulted under subsection (1)(a) is limited to giving to the Secretary of State that person’s opinion as to whether the order in question should be made.
- (6) A recommendation under subsection (1)(b) that a temporary class drug order should be made may be given by the Advisory Council only if it appears to the Council that—
 - (a) the substance or product is a drug that is being, or is likely to be, misused, and
 - (b) that misuse is having, or is capable of having, harmful effects.”.

4 In section 3 (restriction of importation and exportation of controlled drugs), in subsection (2)(a) after “this Act” insert “or by provision made in a temporary class drug order by virtue of section 7A”.

5 In section 4(1) (restriction of production and supply of controlled drugs), after “this Act” insert “, or any provision made in a temporary class drug order by virtue of section 7A,”.

6 In section 5 (restriction of possession of controlled drugs), after subsection (2) insert—

“(2A) Subsections (1) and (2) do not apply in relation to a temporary class drug.”.

7 In section 7 (authorisation of activities otherwise unlawful under foregoing provisions of Act), after subsection (9) insert—

“(10) In this section a reference to “controlled drugs” does not include a reference to temporary class drugs (see instead section 7A).”.

8 After section 7 insert—

“7A Temporary class drug orders: power to make further provision

- (1) This section applies if a temporary class drug order specifies a substance or product as a drug subject to temporary control.
- (2) The order may—
 - (a) include provision for the exception of the drug from the application of section 3(1)(a) or (b) or 4(1)(a) or (b),
 - (b) make such other provision as the Secretary of State thinks fit for the purpose of making it lawful for persons to do things in respect of the drug which under section 4(1) it would otherwise be unlawful for them to do,
 - (c) provide for circumstances in which a person’s possession of the drug is to be treated as excepted possession for the purposes of this Act, and
 - (d) include any provision in relation to the drug of a kind that could be made in regulations under section 10 or 22 if the drug were a Class A drug, a Class B drug or a Class C drug (but ignoring section 31(3)).

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

- (3) Provision under subsection (2) may take the form of applying (with or without modifications) any provision made in regulations under section 7(1), 10 or 22.
- (4) Provision under subsection (2)(b) may (in particular) provide for the doing of something to be lawful if it is done—
- (a) in circumstances mentioned in section 7(2)(a), or
 - (b) in compliance with such conditions as may be prescribed by virtue of section 7(2)(b).
- (5) Section 7(8) applies for the purposes of this section.
- (6) Section 31(1) (general provision as to regulations) applies in relation to a temporary class drug order that contains provision made by virtue of this section as it applies to regulations under this Act.”.
- 9 In section 9A (prohibition of supply etc of articles for administering or preparing controlled drugs), in subsection (4)—
- (a) at the end of paragraph (a) omit “or”,
 - (b) in paragraph (b) after “of a controlled drug” insert “, other than a temporary class drug.”, and
 - (c) at the end of that paragraph insert “, or
 - (c) the administration by any person of a temporary class drug to himself in circumstances where having the drug in his possession is to be treated as excepted possession for the purposes of this Act (see section 7A(2)(c)).”.
- 10 In section 10 (power to make regulations for preventing misuse of controlled drugs), after subsection (2) insert—
- “(3) In this section a reference to “controlled drugs” does not include a reference to temporary class drugs (see instead section 7A).”.
- 11 In section 11 (power to direct special precautions for safe custody of controlled drugs to be taken at certain premises), in subsection (1) after “of this Act” insert “or by provision made in a temporary class drug order by virtue of section 7A that is of a corresponding description to such regulations”.
- 12 (1) Section 13 (directions prohibiting prescribing, supply etc of controlled drugs by practitioners in other cases) is amended as follows.
- (2) In subsection (1)—
- (a) after “section 10(2) of this Act” insert “or of corresponding provision made in a temporary class drug order”, and
 - (b) after “said paragraph (i)” insert “or of any such corresponding provision”.
- (3) After subsection (1) insert—
- “(1A) For the purposes of subsection (1), provision made in a temporary class drug order is “corresponding provision” if it—
- (a) is made by virtue of section 7A(2)(d), and
 - (b) is of a corresponding description to regulations made in pursuance of section 10(2)(h) or (as the case may be) 10(2)(i).”.
- 13 In section 18 (miscellaneous offences), after subsection (4) insert—

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

- “(5) In this section (and in references in Schedule 4 that refer to this section), any reference to regulations made under this Act is to be taken as including a reference to provision made in a temporary class drug order by virtue of section 7A.
- (6) For this purpose, a reference in subsection (1) or (2) to regulations made in pursuance of section 10(2)(h) or (i) is a reference to any provision of a temporary class drug order which—
- (a) is made by virtue of section 7A(2)(d), and
 - (b) is of a corresponding description to regulations made in pursuance of section 10(2)(h) or (as the case may be) (i).”.
- 14 In section 22 (further power to make regulations)—
- (a) renumber the existing provision as subsection (1), and
 - (b) after that subsection insert—
- “(2) The power to make regulations under this section does not apply in relation to temporary class drugs (see instead section 7A).”.
- 15 (1) Section 23 (powers to search and obtain evidence) is amended as follows.
- (2) In subsection (2) after “any regulations” insert “or orders”.
 - (3) In subsection (3)(a) after “any regulations” insert “or orders”.
- 16 After section 23 insert—

“23A Temporary class drugs: further power to search, seize and detain

- (1) Subsection (3) applies in any case where—
 - (a) a constable has reasonable grounds to suspect that a person (“P”) is in possession of a temporary class drug, and
 - (b) it does not appear to the constable that a power under section 23(2) applies to the case.
- (2) But if any provision has been made by virtue of section 7A(2)(c) (excepted possession) that applies to the temporary class drug in question, subsection (3) applies only if the constable has no reason to believe that P’s possession of the drug is to be treated as excepted possession for the purposes of this Act.
- (3) The constable may—
 - (a) search P, and detain P for the purposes of searching P;
 - (b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;
 - (c) seize and detain anything found in the course of the search which appears to the constable to be a temporary class drug or to be evidence of an offence under this Act.

In this subsection, “vessel” has the same meaning as in section 23(2).

- (4) Subsection (5) applies if a constable reasonably believes that anything detained under subsection (3)(c) is a temporary class drug but is not evidence of any offence under this Act.

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

- (5) The constable may dispose of the drug in such manner as the constable thinks appropriate.
- (6) A person who intentionally obstructs a constable in the exercise of the constable's powers under subsection (3) commits an offence.”.
- 17 (1) Section 25 (prosecution and punishment of offences) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Subsection (2B) applies if an offence specified in the first column of Schedule 4 is committed in relation to a temporary class drug.
- (2B) The punishments which may be imposed on a person convicted of the offence summarily or (as the case may be) on indictment in relation to the temporary class drug are the same as those which could be imposed had the person been convicted of the offence in that way in relation to a Class B drug (see the fifth column of Schedule 4).”.
- (3) After subsection (3) insert—
- “(3A) The punishments which may be imposed on a person convicted of an offence under section 23A(6) are the same as those which, under Schedule 4, may be imposed on a person convicted of an offence under section 23(4).”.
- 18 In section 30 (licenses and authorities) after “of regulations” insert “or orders”.
- 19 In section 37(1) (interpretation), after the definition of “supplying” insert—
- ““temporary class drug order” means an order made under section 2A(1);”.
- 20 In section 38(1) (special provisions as to Northern Ireland) for “2, 7,” substitute “2, 2A, 2B, 7, 7A,”.

Amendments of other legislation

- 21 In Schedule 1 to the Customs and Excise Management Act 1979 (controlled drugs: variation of punishments for certain offences)—
- (a) in paragraph 1—
- (i) in the opening words for “or a Class B drug” substitute “, Class B drug or a temporary class drug”, and
- (ii) in paragraph (b)(ii) of the substituted words after “Class B drug” insert “or a temporary class drug”, and
- (b) in paragraph 3, for “and “Class C drug”” substitute “, “Class C drug” and “temporary class drug””.
- 22 In section 19 of the Criminal Justice (International Co-operation) Act 1990 (ships used for illicit traffic), in subsection (4)(b) after “Class B drug” insert “or a temporary class drug”.