



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 3

##### FUNCTIONS OF ELECTED LOCAL POLICING BODIES ETC

##### *Other provisions about functions*

### **18 Delegation of functions by police and crime commissioners**

- (1) The police and crime commissioner for a police area may—
  - (a) appoint a person as the deputy police and crime commissioner for that police area, and
  - (b) arrange for the deputy police and crime commissioner to exercise any function of the police and crime commissioner.
- (2) A police and crime commissioner may arrange for any person (who is not the deputy police and crime commissioner) to exercise any function of the commissioner.
- (3) But a police and crime commissioner may not—
  - (a) appoint a person listed in subsection (6) as the deputy police and crime commissioner;
  - [<sup>F1</sup>(aa) arrange, under subsection (1)(b) or (2), for the Deputy Mayor for Policing and Crime or any other person to exercise a function that the Mayor's Office for Policing and Crime has under or by virtue of Part 2 of the Police Reform Act 2002 (see instead section 23(2)(pa) of that Act and regulations made under that provision);]

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Section 18. (See end of Document for details)*

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- (b) arrange for the deputy police and crime commissioner to exercise a function listed in subsection (7)(a), (e) or (f);
  - (c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
  - (d) arrange, under subsection (2), for any person to exercise a function listed in subsection (7).
- (4) A deputy police and crime commissioner may arrange for any other person to exercise any function of the police and crime commissioner which is, in accordance with subsection (1)(b), exercisable by the deputy police and crime commissioner.
- (5) But the deputy police and crime commissioner may not arrange for a person to exercise a function if—
- (a) the person is listed in subsection (6), or
  - (b) the function is listed in subsection (7).
- (6) The persons referred to in subsections (3)(a) and (c) and (5) are—
- (a) a constable (whether or not in England and Wales);
  - (b) a police and crime commissioner;
  - (c) the Mayor's Office for Policing and Crime;
  - (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;
  - (e) the Mayor of London;
  - (f) the Common Council of the City of London;
  - (g) any other person or body which maintains a police force;
  - (h) a member of the staff of a person falling within any of paragraphs (a) to (g).
- (7) The functions referred to in subsection (3) are—
- (a) issuing a police and crime plan (see section 5);
  - (b) determining police and crime objectives (see section 7);
  - (c) attendance at a meeting of a police and crime panel in compliance with a requirement by the panel to do so (see section 29);
  - (d) preparing an annual report to a policing and crime panel (see section 12);
  - (e) appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign (see section 38);
  - (f) calculating a [<sup>F2</sup>council tax requirement or a] budget requirement (see section [<sup>F3</sup>42A or] 43 of the Local Government Finance Act 1992).
  - [<sup>F4</sup>(g) appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014;
  - (h) deciding whether to enter into a liability limitation agreement under section 14 of that Act.]
- (8) If a function of a police and crime commissioner is exercisable by any other person in accordance with this section, any property or rights vested in the commissioner may be dealt with by the other person in exercising the function, as if vested in that person.
- (9) Subsection (2) applies whether or not there is a deputy police and crime commissioner.
- (10) The deputy police and crime commissioner is a member of the police and crime commissioner's staff.

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(11) For further provision about the appointment of a deputy police and crime commissioner, see paragraphs 8 to 12 of Schedule 1.

#### Textual Amendments

- F1** S. 18(3)(aa) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 23(2), 183(1)(5)(e); S.I. 2020/5, reg. 2(j) (with art. 3(1)(2)(4))
- F2** Words in s. 18(7)(f) inserted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 7 para. 53(a); S.I. 2011/2896, art. 2(i)
- F3** Words in s. 18(7)(f) inserted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 7 para. 53(b); S.I. 2011/2896, art. 2(i)
- F4** S. 18(7)(g)(h) inserted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 12 para. 116; S.I. 2015/841, art. 3(x)

#### Modifications etc. (not altering text)

- C1** S. 18 applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), Sch. 1 para. 21 (as amended (29.3.2018) by S.I. 2018/444, arts. 1(2), 4(3)(b))
- C2** S. 18 modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), Sch. 5 para. 21

#### Commencement Information

- I1** S. 18 in force at 22.11.2012 by S.I. 2012/2892, art. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Section 18.