



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 5

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

##### *Police forces outside London*

#### **41 Power of deputy to exercise functions of chief constable**

- (1) The appropriate deputy chief constable of a police force may exercise or perform any or all of the functions of the chief constable of the force—
  - (a) during any period when the chief constable is unable to exercise functions, or
  - (b) at any other time, with the consent of the chief constable.
- (2) For the purposes of subsection (1), the appropriate deputy chief constable is—
  - (a) if the police force has only one deputy chief constable, the deputy chief constable;
  - (b) if the police force has more than one deputy chief constable, the most senior deputy chief constable.
- (3) If the police force has more than one deputy chief constable, the chief constable must designate the deputy chief constables in order of seniority for the purposes of subsection (2)(b).
- (4) During any absence, incapacity or suspension from duty of the person who—

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*Status: This is the original version (as it was originally enacted).*

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- (a) is designated as the most senior deputy chief constable for the purposes of subsection (2)(b), or
  - (b) is treated under this section as the most senior deputy chief constable,

the person designated as the next most senior deputy chief constable is to be treated as the most senior one for the purposes of subsection (2)(b).
- (5) The assistant chief constable designated for this purpose by the chief constable of the force may exercise any or all of the chief constable’s functions during any period when—
  - (a) the chief constable is unable to exercise functions, and
  - (b) a deputy chief constable is unable to exercise functions.
- (6) The chief constable of the force must designate an assistant chief constable of the force for the purposes of subsection (5).
- (7) Only one person is authorised to act at any one time by virtue of a designation by the chief constable.
- (8) The chief constable must consult the relevant police and crime commissioner before making a designation for the purposes of subsection (2)(b) or (5).
- (9) This section is without prejudice to any other enactment that makes provision for a person other than the chief constable to exercise the chief constable’s functions.
- (10) In a case where a deputy chief constable or assistant chief constable (the “acting chief constable”) is authorised by subsection (1)(a) or (5) to exercise or perform functions of a chief constable—
  - (a) section 38(2) and (3) apply in relation to the acting chief constable as they apply in relation to the chief constable (and references to chief constables in those provisions, and in other enactments relating to those provisions, are to be read accordingly); and
  - (b) section 39(4) and (5) or section 40(3) and (4) do not apply in relation to the acting chief constable.
- (11) In this section—
  - (a) “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London);
  - (b) a reference to a period when the chief constable is unable to exercise functions is a reference to a period when—
    - (i) the chief constable is absent, incapacitated or suspended from duty, or
    - (ii) the office of chief constable is vacant;
  - (c) a reference to a period when a deputy chief constable is unable to exercise functions is a reference to a period when—
    - (i) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty, or
    - (ii) the office of deputy chief constable, or of each deputy chief constable, is vacant.