

EXPLANATORY MEMORANDUM TO
THE POLICE AUTHORITY (AMENDMENT) REGULATIONS 2012

2012 No. 536

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Police Authority (Amendment) Regulations 2012 are to allow police authorities to retain experienced independent members during the transitional phase between now and the introduction of Police and Crime Commissioners in November 2012, and to make it less bureaucratic to recruit new members if necessary. The intention is to ensure that independent members, and their skills and experience, may be retained and so that police authorities can retain the necessary level of membership during the transitional phase.

2.2 This instrument makes amendments to the Police Authority Regulations 2008. It will automatically extend the terms of all independent members of police authorities in England and Wales (outside London) through until 22 November 2012, at which point all terms will end due to the abolition of police authorities. It also removes the detailed specification as to how police authorities should advertise a vacancy to allow for more flexibility and ensure less bureaucracy in this transitional phase.

2.3 Members affected will retain the option of resigning if they do not wish to continue their term through to November 2012 (under regulation 21 of the Police Authority Regulations 2008). Police authorities will retain the right to remove members under regulation 21 of the 2008 Regulations. Members will remain subject to disqualification under regulations 14 to 17 of the 2008 Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Schedule 2 to the Police Act 1996, as amended by the Police and Justice Act 2006, provides that the Secretary of State will make regulations governing police authority membership. Previously, (as set out in regulation 19 of the Police Authority Regulations 2008) independent members' terms were limited to four years, or a shorter term as determined by the police authority, and to a maximum of two terms (though they could serve for additional terms with the consent of the Secretary of State). These Regulations will amend regulations 19A and 41 of the Police Authority Regulations 2008.

4.2 The Police Reform and Social Responsibility Act 2011 provides for police authorities to be abolished, and elections for Police and Crime Commissioners to be held on 15 November 2012, with Commissioners taking office 22 November 2012.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 In June 2010, the Government announced its intention to replace police authorities with directly elected Police and Crime Commissioners in England and Wales by 2012. As part of policy development, arrangements are required to ensure that police authorities will continue to operate effectively during the transitional period.

7.2 Following consultation with partners – in particular, the Association of Police Authorities – the decision was made to extend the existing terms until May 2012 – the date then envisaged for the introduction of Police and Crime Commissioners (through the Police Authority (Amendment No 3) Regulations 2010).

7.3 As the introduction of Commissioners, and so the abolition of police authorities, has been delayed until November, these regulations change the existing regulations to extend appointments until November and the requirements to advertise so as to enable police authorities to save time and resources that would otherwise have been dedicated to an expensive advertisement process.

7.4 We do not intend to consolidate these regulations with previous legislation.

8. Consultation outcome

8.1 The Home Office consulted with both the Association of Police Authorities and the Local Government Association on the Police Authority (Amendment) Regulations 2010 and, subsequently, the Police Authority (Amendment No. 2) Regulations 2010 and the Police Authority (Amendment No. 3) Regulations 2010.

8.2 The Home Office has consulted again on the Police Authority (Amendment) Regulations 2012 with the Association of Police Authorities and Local Government Association. No objections were raised during consultation.

9. Guidance

9.1 Updated guidance on revisiting police authority member applications will be issued by the Association of Police Authorities if deemed appropriate.

10. Impact

10.1 These Regulations do not apply to businesses, charities or voluntary bodies.

10.2 The impact on the public sector will be a reduction in time and resources dedicated by police authorities to filling police authority member vacancies between the commencement of these Regulations, in the period leading up to the expected introduction of directly elected Police and Crime Commissioners.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating Small Business

11.1 The provisions of this instrument do not impact on small businesses.

12. Monitoring and Review

12.1 The provision under which this instrument is made is repealed by the Police Reform and Social Responsibility Bill with effect from 22 November 2012 as a consequence of the introduction of Police and Crime Commissioners, which will replace police authorities as the body of policing governance in England and Wales. This instrument will cease to have effect on that date.

13. Contact

13.1 Neil King at the Home Office (tele: 020 7035 4858 or email: neil.king12@homeoffice.gsi.gov.uk) can answer any queries regarding this instrument.