

SCHEDULE 1

Article 28

Modification of Local Policing Enactments in their application to an Authority

Elected Local Policing Bodies (Specified Information) Order 2011

1. The Elected Local Policing Bodies (Specified Information) Order 2011 is modified as follows.
2. Article 1(2) is to be read as if—
 - (a) after the definition of “the 2011 Act” there were inserted—

““chief fire officer” means the person with responsibility for managing the fire and rescue service;”;
 - (b) for the definition of “election” there were substituted—

““election” means an election held under section 50 of the 2011 Act for the police and crime commissioner for the relevant police area;”;
 - (c) after the definition of “election” there were inserted —

““fire and rescue service” means the personnel, services and equipment secured by the Authority for the purposes of carrying out the Authority’s functions under—

 - (a) section 6 of the Fire and Rescue Services Act 2004 (fire safety);
 - (b) section 7 of that Act (fire-fighting);
 - (c) section 8 of that Act (road traffic accidents);
 - (d) any order under section 9 of that Act (emergencies) which applies to the Authority;
 - (e) section 2 of the Civil Contingencies Act 2004 and any subordinate legislation under that Act applying to the Authority;
 - (f) any other provision of or made under an enactment which confers functions on a fire and rescue authority;”;
 - (d) for the definition of “relevant office holder” there were substituted—

““relevant office holder” means in the case of a section 4A fire and rescue authority, the person who is for the time being the police and crime commissioner for the relevant police area;”;
 - (e) before the definition of “senior employee” there were inserted—

““relevant police area” means the police area—

 - (a) which corresponds to the area of the section 4A fire and rescue authority, or
 - (b) within which the area of the section 4A fire and rescue authority falls;

“section 4A fire and rescue authority” means a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”;
 - (f) in the definition of “senior employee” for “an elected local policing body” there were substituted “a section 4A fire and rescue authority”; and
 - (g) for the definition of “staff” there were substituted—

““staff” in the case of a section 4A fire and rescue authority does not include any person under the direction or control of the chief fire officer.”.
3. Article 2 is to be read as if—

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- (a) in paragraph (1) after “Police Reform and Social Responsibility Act 2011,” there were inserted “as applied by paragraph 4 of Schedule A2 to the Fire and Rescue Service Act 2004.”; and
 - (b) in paragraph (2) for “the chief constable” in each place it appears there were substituted “the chief fire officer”.
4. The Schedule is to be read as if—
- (a) in paragraph 1—
 - (i) for “the elected local policing body” there were substituted “the section 4A fire and rescue authority”; and
 - (ii) for “the police and crime panel” there were substituted “the police and crime panel for the relevant police area”;
 - (b) in paragraph 2 for “the elected local policing body” in each place it appears there were substituted “the section 4A fire and rescue authority”;
 - (c) in paragraph 2A—
 - (i) sub-paragraph (a) were omitted; and
 - (ii) for “the elected local policing body” in both places it appears there were substituted “the section 4A fire and rescue authority”;
 - (d) for paragraph 3 there were substituted—

“3. In relation to the income and expenditure of the section 4A fire and rescue authority—

 - (a) the total budget of the authority;
 - (b) the precept issued by the authority;
 - (c) information as to each anticipated source of revenue other than that precept;
 - (d) information as to the proposed expenditure of the authority;
 - (e) a copy of the annual investment strategy of the authority;
 - (f) information as to —
 - (i) each item of expenditure in relation to travel by, accommodation for or subsistence of a relevant office holder, including the recipient of the funds, the purpose of the expenditure and the reasons why the authority considered that good value for money would be obtained; and
 - (ii) each item of expenditure of the authority in relation to other matters that exceeds £500 including the recipient of the funds, the purpose of the expenditure and the reasons why the authority considered that good value for money would be obtained.”;
 - (e) for paragraph 4 there were substituted—

“4. In relation to the property, rights and liabilities of the section 4A fire and rescue authority —

 - (a) the identity of any premises or land owned by, or occupied for the purposes of, the authority;
 - (b) a copy of each contract with a value exceeding £10,000 to which the authority is or is to be a party;
 - (c) a copy of each invitation to tender issued by the authority in relation to a contract which the authority expects will have a value exceeding £10,000;

- (d) a list of every contract with a value not exceeding £10,000 to which the authority is or is to be a party, including the value of the contract, the identity of every other party to the contract and the purpose of the contract.”;
- (f) in paragraph 5—
 - (i) for “elected local policing body” in each place it occurs there were substituted “section 4A fire and rescue authority”;
 - (ii) in sub-paragraphs (c) and (d) for “body’s” there were substituted “authority’s”; and
 - (iii) in sub paragraph (d) for “body” there were substituted “authority”;
- (g) in paragraph 6—
 - (i) for “elected local policing body” in each place it appears there were substituted “section 4A fire and rescue authority”; and
 - (ii) in sub-paragraph (b) for “body’s” there were substituted “authority’s”;
- (h) paragraphs 7 and 8 were omitted;
- (i) in paragraph 13 for “3(h)” there were substituted “3(f)(i)”;
- (j) in paragraph 14 for “3(f) and (g)” there were substituted “3(f)(ii)”;
- (k) in paragraph 15 for “elected local policing body” there were substituted “section 4A fire and rescue authority”; and
- (l) in paragraph 16—
 - (i) for “elected local policing body” there were substituted “section 4A fire and rescue authority”; and
 - (ii) sub-paragraph (c) were omitted.

Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

5. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 have effect as if—

- (a) in regulation 2—
 - (i) the definition of “police and crime panel” were to “the relevant police and crime panel” within the meaning of Schedule A2 to the Fire and Rescue Services Act 2004; and
 - (ii) the reference to “police and crime commissioner” in the definition of “relevant office holder” were to “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”; and
- (b) in regulation 28(1)(a) the reference to “police and crime commissioner” were to “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

6. The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 have effect as if—

- (a) in regulation 2 the reference to “police and crime panel” were to “the relevant police and crime panel” within the meaning of Schedule A2 to the Fire and Rescue Services Act 2004; and

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- (b) in Part 2 (precepts) references to “the police and crime commissioner” were to “a fire and rescue Authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.