



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

Chief officers of police

34 Engagement with local people

- (1) A chief officer of police must make arrangements for obtaining the views of persons within each neighbourhood in the relevant police area about crime and disorder in that neighbourhood.
- (2) A chief officer of police must make arrangements for providing persons within each neighbourhood in the relevant police area with information about policing in that neighbourhood (including information about how policing in that neighbourhood is aimed at dealing with crime and disorder there).
- (3) Arrangements under this section must provide for, or include arrangements for, the holding in each neighbourhood of regular meetings between—
 - (a) persons within that neighbourhood, and
 - (b) police officers with responsibility for supervising or carrying out policing in that neighbourhood.
- (4) It is for a chief officer of police to determine what the neighbourhoods are in the relevant police area.

35 Value for money

- (1) In exercising functions, a chief officer of police must secure that good value for money is obtained.
- (2) That includes securing that the persons under the direction and control of the chief officer of police obtain good value for money in exercising their functions.

36 Information for elected local policing bodies

- (1) A chief officer of police must give the relevant elected local policing body such information on policing matters that the body may require the chief officer to give.
- (2) Such information must be in the form (if any) specified by the elected local policing body.
- (3) The elected local policing body may—
 - (a) arrange for such information to be published, or
 - (b) require the chief officer of police to arrange for such information to be published.
- (4) It is for the elected local policing body to determine the manner in which information is to be published in accordance with subsection (3)(a) or (b).
- (5) In this section “policing matters” means matters connected with the policing of the relevant police area.

37 Appointment of persons not employed by chief officers of police

- (1) This section applies where a chief officer of police is required or authorised by any Act—
 - (a) to appoint a person to a specified post in the relevant police force, or a specified post in the civilian staff of the relevant police force, or
 - (b) to designate a person as having specified duties or responsibilities.
- (2) The chief officer of police may appoint or designate a person whether or not the person is already a member of staff of the police force.
- (3) Subsection (2) has effect in spite of any provision to the contrary in the Act that is mentioned in subsection (1).

*Police forces outside London***38 Appointment, suspension and removal of chief constables**

- (1) The police and crime commissioner for a police area is to appoint the chief constable of the police force for that area.
- (2) The police and crime commissioner for a police area may suspend from duty the chief constable of the police force for that area.
- (3) The police and crime commissioner for a police area may call upon the chief constable of the police force for that area to resign or retire.

- (4) The chief constable must retire or resign if called upon to do so by the relevant police and crime commissioner in accordance with subsection (3).
- (5) Schedule 8 (appointment, suspension and removal of senior police officers) has effect.
- (6) This section is subject to Parts 1 and 2 of Schedule 8.
- (7) This section and Schedule 8 are subject to regulations under section 50 of the Police Act 1996.

39 Deputy chief constables

- (1) Each police force must have one or more deputy chief constables.
- (2) The chief constable of a police force must consult the relevant police and crime commissioner before increasing the number of deputy chief constables which the force has.
- (3) The chief constable of a police force must consult the relevant police and crime commissioner before appointing a person to be a deputy chief constable of the force.
- (4) The chief constable of a police force may suspend from duty a deputy chief constable of that police force.
- (5) The chief constable of a police force may call upon a deputy chief constable of that police force to resign or retire.
- (6) A deputy chief constable must resign or retire if called upon to do so by the chief constable in accordance with subsection (5).
- (7) Subsections (3) to (6) are subject to regulations under section 50 of the Police Act 1996.
- (8) Subsections (4) to (6) are subject to Part 3 of Schedule 8 (suspension and removal of other senior police officers).
- (9) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

40 Assistant chief constables

- (1) Each police force must have one or more assistant chief constables.
- (2) The chief constable of a police force must consult the relevant police and crime commissioner before appointing a person as an assistant chief constable of the force.
- (3) The chief constable of a police force may suspend from duty an assistant chief constable of that police force.
- (4) The chief constable of a police force may call upon an assistant chief constable of that police force to resign or retire.
- (5) An assistant chief constable must resign or retire if called upon to do so by the chief constable in accordance with subsection (4).
- (6) Subsections (2) to (5) are subject to regulations under section 50 of the Police Act 1996.

- (7) Subsections (3) to (5) are subject to Part 3 of Schedule 8 (suspension and removal of other senior police officers).
- (8) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas 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—
 - (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

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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.

The metropolitan police force

42 Appointment of Commissioner of Police of the Metropolis

- (1) The Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.
- (2) A constable holds office as the Commissioner of Police of the Metropolis at Her Majesty’s pleasure.
- (3) The Secretary of State may not recommend to Her Majesty that She appoint a person as the Commissioner of Police of the Metropolis unless that person is, or has been, a constable in any part of the United Kingdom; and, before making such a recommendation, the Secretary of State must have regard to any recommendations made by the Mayor’s Office for Policing and Crime.
- (4) The appointment of the Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

43 Deputy Commissioner of Police of the Metropolis

- (1) The Metropolitan Police force has one Deputy Commissioner of Police of the Metropolis.
- (2) The Deputy Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.
- (3) A person holds office as the Deputy Commissioner of Police of the Metropolis at Her Majesty’s pleasure.
- (4) Before recommending to Her Majesty that She appoint a person as the Deputy Commissioner of Police of the Metropolis, the Secretary of State must have regard to—

- (a) any recommendations made by the Commissioner of Police of the Metropolis, and
 - (b) any representations made by the Mayor’s Office for Policing and Crime.
- (5) The appointment of the Deputy Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

44 Functions of Deputy Commissioner of Police of the Metropolis

- (1) The Deputy Commissioner of Police of the Metropolis may exercise any or all of the powers and duties of the Commissioner of Police of the Metropolis—
- (a) during any absence, incapacity or suspension from duty of the Commissioner,
 - (b) during any vacancy in the office of Commissioner, or
 - (c) at any other time, with the consent of the Commissioner.
- (2) The Deputy Commissioner of Police of the Metropolis does not have power to act by virtue of subsection (1)(a) or (b) for a continuous period exceeding three months, except with the consent of the Secretary of State.
- (3) The Deputy Commissioner of Police of the Metropolis has all the powers and duties of an Assistant Commissioner of Police of the Metropolis.

45 Assistant Commissioners of Police of the Metropolis

- (1) The metropolitan police force must have one or more Assistant Commissioners of Police of the Metropolis.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor’s Office for Policing and Crime before appointing a person as an Assistant Commissioner of Police of the Metropolis.
- (3) The appointment of a person as an Assistant Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.
- (4) An Assistant Commissioner of Police of the Metropolis may exercise any of the powers and duties of the Commissioner of Police of the Metropolis with the consent of the Commissioner of Police of the Metropolis.
- (5) Subsection (4) is without prejudice to regulations under section 50 of the Police Act 1996.
- (6) In a case where an Assistant Commissioner of Police of the Metropolis is acting in place of the Commissioner of Police of the Metropolis—
- (a) section 48 applies in relation to the Assistant Commissioner as it applies to the Commissioner (and references to the Commissioner in that section, and in other enactments relating to that section, are to be read accordingly); and
 - (b) section 49 does not apply in relation to the Assistant Commissioner.
- (7) For the purposes of subsection (6), an Assistant Commissioner is to be taken to be acting in place of the Commissioner at a particular time if—
- (a) the Assistant Commissioner is, at that time, authorised by subsection (4) to exercise powers and duties of the Commissioner, and
 - (b) that time falls during—

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- (i) any absence, incapacity or suspension from office of the Commissioner, or
- (ii) any vacancy in the office of Commissioner.

46 Deputy Assistant Commissioners of Police of the Metropolis

- (1) The metropolitan police force must have one or more Deputy Assistant Commissioners of Police of the Metropolis.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as a Deputy Assistant Commissioner of Police of the Metropolis.
- (3) The appointment of a person as a Deputy Assistant Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

47 Commanders

- (1) The metropolitan police force must have one or more Commanders.
- (2) The Commissioner of Police of the Metropolis must consult the Mayor's Office for Policing and Crime before appointing a person as a Commander.
- (3) The appointment of a person as a Commander is subject to regulations under section 50 of the Police Act 1996.

48 Suspension and removal of Commissioner and Deputy Commissioner

- (1) The Mayor's Office for Policing and Crime may, with the approval of the Secretary of State—
 - (a) suspend the Commissioner of Police of the Metropolis from duty, or
 - (b) suspend the Deputy Commissioner of Police of the Metropolis from duty.
- (2) If the Mayor's Office for Policing and Crime suspends the Commissioner, or Deputy Commissioner, from duty, that Office must notify the Secretary of State of the suspension.
- (3) The Mayor's Office for Policing and Crime may, subject to subsections (5) and (6), and with the approval of the Secretary of State—
 - (a) call upon the Commissioner of Police of the Metropolis to resign or retire, or
 - (b) call upon the Deputy Commissioner of Police of the Metropolis to resign or retire.
- (4) The Commissioner, or Deputy Commissioner, must resign or retire if called upon to do so in accordance with subsection (3).
- (5) Before calling upon the Commissioner, or Deputy Commissioner, to retire or resign, the Mayor's Office for Policing and Crime must—
 - (a) give the police officer a written explanation of the reasons why the Office is proposing to call for the retirement or resignation;
 - (b) give the police officer the opportunity to make written representations about the proposal to call for the police officer's resignation or retirement; and
 - (c) consider any written representations made by the police officer.

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- (6) The Mayor’s Office for Policing and Crime must comply with subsection (5) before seeking the approval of the Secretary of State to call upon the Commissioner, or Deputy Commissioner, to retire or resign.
- (7) This section is subject to regulations under section 50 of the Police Act 1996.
- (8) This section is without prejudice to—
 - (a) section 42(2);
 - (b) section 43(3); or
 - (c) regulations under the Police Pensions Act 1976.

49 Suspension and removal of other senior metropolitan police officers

- (1) The Commissioner of Police of the Metropolis may suspend a senior metropolitan police officer from duty.
- (2) If the Commissioner suspends a senior metropolitan police officer from duty, the Commissioner must notify the Mayor’s Office for Policing and Crime of the suspension.
- (3) The Commissioner of Police of the Metropolis may, subject to subsection (5), and after consulting the Mayor’s Office for Policing and Crime, call upon a senior metropolitan police officer to resign or retire.
- (4) A senior metropolitan police officer must resign or retire if called upon to do so in accordance with subsection (3).
- (5) Before calling upon a senior metropolitan police officer to retire or resign, the Commissioner of Police of the Metropolis must—
 - (a) give the police officer a written explanation of the reasons why the Commissioner is proposing to call for the retirement or resignation;
 - (b) give the police officer the opportunity to make written representations about the proposal to call for the police officer’s resignation or retirement; and
 - (c) consider any written representations made by the police officer.
- (6) This section is subject to regulations under section 50 of the Police Act 1996.
- (7) This section is without prejudice to regulations under the Police Pensions Act 1976.
- (8) In this section “senior metropolitan police officer” means any of the following—
 - (a) an Assistant Commissioner of Police of the Metropolis;
 - (b) a Deputy Assistant Commissioner of Police of the Metropolis;
 - (c) a Commander.