

SCHEDULES

SCHEDULE 5

Section 26

ISSUING PRECEPTS

Introduction

- 1 (1) A police and crime commissioner may not issue a precept under section 40 of the Local Government Finance Act 1992 for a financial year until the end of the scrutiny process is reached.
- (2) The end of the scrutiny process is reached when—
 - (a) in a case where paragraph 5 applies, the police and crime commissioner gives the police and crime panel a response to the panel's report; or
 - (b) in a case where paragraph 6 applies, the end of the process is reached in accordance with regulations under paragraph 8.
- (3) References in this Schedule to the issuing of a precept include references to the issuing of a substitute precept.

Commissioner to notify panel of proposed precept

- 2 The police and crime commissioner must notify the relevant police and crime panel of the precept which the commissioner is proposing to issue for the financial year (the "proposed precept").

Panel to review proposed precept

- 3 (1) The police and crime panel must review the proposed precept notified to it under paragraph 2.
- (2) The panel must make a report to the commissioner on the proposed precept.
- (3) The report may include recommendations, including recommendations as to the precept that should be issued for the financial year.

Panel's power to veto precept

- 4 (1) The police and crime panel may, having reviewed the proposed precept, veto the proposed precept.
- (2) If the panel vetoes the proposed precept, the report made under paragraph 3 must include a statement that the panel has vetoed it.
- (3) References in this Schedule to a police and crime panel vetoing a proposed precept are references to the panel making a decision, by the required majority, that the proposed precept should not be the precept for the financial year.

Status: This is the original version (as it was originally enacted).

- (4) For that purpose, the panel makes that decision by the required majority if at least two-thirds of the persons who are members of the panel at the time when the decision is made vote in favour of making that decision.

Next steps if no veto

- 5 (1) This paragraph applies if the police and crime panel does not veto the proposed precept.
- (2) The police and crime commissioner must—
- (a) have regard to the report made by the panel under paragraph 3 (including any recommendations in the report),
 - (b) give the panel a response to the report (and any such recommendations), and
 - (c) publish the response.
- (3) The police and crime commissioner may—
- (a) issue the proposed precept as the precept for the financial year, or
 - (b) issue a different precept, but only if it would be in accordance with a recommendation made in the report to do so.
- (4) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with sub-paragraph (2)(c).

Next steps if veto

- 6 (1) This paragraph applies if the police and crime panel vetoes the proposed precept.
- (2) The police and crime commissioner must not issue the proposed precept as the precept for the financial year.
- (3) The police and crime commissioner must—
- (a) have regard to the report made by the panel under paragraph 3 (including any recommendations in the report),
 - (b) give the panel a response to the report (and any such recommendations), and
 - (c) publish the response.
- (4) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with sub-paragraph (3)(c).
- (5) Sub-paragraph (2) is subject to regulations under paragraph 8.

Regulations

- 7 (1) The Secretary of State may make regulations about—
- (a) the steps that are required to be taken by paragraphs 2 to 6, and
 - (b) procedures that are to be followed in taking such steps.
- (2) The regulations may, in particular, make provision about the time limits applicable in taking steps or following procedures.
- 8 (1) The Secretary of State may make regulations about the issuing of precepts in cases where paragraph 6 applies.

- (2) The regulations may make provision about—
 - (a) steps to be taken, and
 - (b) procedures to be followed.
- (3) That includes provision about the time limits applicable in taking steps or following procedures.
- (4) The regulations may make provision about limits on the precept that may be issued.
- (5) That includes provision about the calculation of limits by reference to—
 - (a) one or more previous precepts,
 - (b) the proposed precept, or
 - (c) any other matters.
- (6) The regulations may confer functions on—
 - (a) police and crime commissioners,
 - (b) police and crime panels,
 - (c) the Secretary of State, or
 - (d) any other person.
- (7) That includes functions involving the exercise of a discretion.
- (8) Sub-paragraphs (2) to (7) do not limit the power conferred by sub-paragraph (1).