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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make various amendments consequential on the Policing and Crime Act 2017 (c. 3).

Regulation 2 amends the Fire Services Act 1947 (c. 41) in consequence of the creation of the London Fire Commissioner as the fire and rescue authority for Greater London under provisions in Chapter 3 of Part 1 of the Policing and Crime Act 2017. The amendment enables secondary legislation to be made to treat a person holding the office of London Fire Commissioner and exercising operational functions as being employed by a fire and rescue authority in England for the purposes of the Firefighters' Pension Scheme 1992. Regulation 10(3) amends the Fire and Rescue Services Act 2004 (c. 21) to enable secondary legislation to be made to treat a person holding the office of London Fire Commissioner and exercising operational functions as being employed by a fire and rescue authority in England for the purposes of the Firefighters Compensation Scheme (England) 2006 and the New Firefighters' Pension Scheme (England) 2006.

Regulation 3 amends the Trustees Investments Act 1961 (c. 62) to enable a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 (as amended by section 6 of, and Schedule 1 to, the Policing and Crime Act 2017) to invest in certain schemes approved by HM Treasury under section 11 of the Trustees Investments Act 1961. Such a fire and rescue authority is also added to the list of authorities to which paragraph 9 of Schedule 1 to the Trustees Investments Act 1961 applies.

Regulation 4 amends paragraph 7 of Schedule 1 to the Contempt of Court Act 1981 (c. 49), which sets out when proceedings are no longer 'active' for the purposes of the strict liability rule. The amendment to paragraph 7 provides that proceedings in England and Wales commenced by arrest without warrant are discontinued if the arrested person is given notice that he or she is not to be prosecuted for the offence, and the proceedings are not discontinued following release without bail. The amendment is consequential to the introduction of the presumption in favour of release without bail by Chapter 1 of Part 4 of the Policing and Crime Act 2017.

Regulation 5 amends section 118(2A) of the Police and Criminal Evidence Act 1984 (c. 60) in order to remove a reference to paragraph 22 of Schedule 4 to the Police Reform Act 2002 (c. 30). This amendment is consequential on the repeal of paragraph 22 of Schedule 4 to that Act which has been repealed by section 45(a) of, and paragraph 5(1) and (3) of Schedule 12 to, the Policing and Crime Act 2017.

Regulation 6 introduces the Schedule. The Schedule amends the Local Government Finance Act 1988 (c. 41) to make provision in connection with the financial administration of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.

Regulation 7 amends section 137(9) the Criminal Justice and Public Order Act 1994 (c. 3) to clarify the definition of "designated police station", in consequence of the omission of the definition of "arrestable offence" in that subsection. The definition of "arrestable offence" was omitted by paragraph 2(4) of Schedule 11 to the Policing and Crime Act 2017.

Regulation 8 amends Schedule 6 to the Police Act 1996 (c. 16) to clarify that the provisions in that Schedule on the composition of police appeals tribunals apply to cases where the appellant is a former officer as they apply to cases where the appellant is a serving officer. These amendments are consequential on the amendments made by section 29 of the Policing and Crime Act 2017.

Regulation 9 amends section 24B(5) of the Criminal Justice Act 2003 (c. 44), which applies certain provisions in the Police and Criminal Evidence Act 1984 to persons arrested for suspected breach of a conditional caution. It is consequential on an amendment to section 24A of that Act made by section 60 of the Policing and Crime Act 2017, which means that persons will now be released on bail under section 24A(2)(c).

Regulation 10(2) amends section 24 of the Fire and Rescue Services Act 2004 to exclude certain functions of a fire and rescue authority created under section 4A of that Act from the inspection provisions in sections 10 to 13A of the Local Government Act 1999 as they apply to that authority.

Regulation 11 amends Schedule 20 to the Housing and Planning Act 2016 (c. 22) in consequence of the commencement of the provisions in chapter 3 of Part 1 of the Policing and Crime Act 2017 establishing the London Fire Commissioner. Regulation 12 makes the equivalent amendment to paragraph 3(11) of Part 2 of Schedule 4 to the High Speed Rail (London-West Midlands) Act 2017 (c. 7).

Regulation 13 provides that the amendment made by regulation 9 will only apply to a person in relation to an offence for which a conditional caution was given if they were first arrested for the offence on or after 3rd April 2017 or received the conditional caution on or after 3rd April 2017. It makes equivalent transitional provision to that which applies to section 60 of the Policing and Crime Act 2017 (see regulation 5 of [S.I. 2017/399](#)).

Regulation 14 provides that regulation 4, which amends when proceedings are ‘active’ for the purpose of the strict liability rule in the Contempt of Court Act 1981, does not apply to publications made before its commencement.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen