

DRAFT STATUTORY INSTRUMENTS

2024 No. XX

**POLICE, ENGLAND
LOCAL GOVERNMENT, ENGLAND**

The West Midlands Combined Authority (Transfer of
Police and Crime Commissioner Functions) Order 2024

Made - - - - XX

Coming into force in accordance with article 1(2)

THE WEST MIDLANDS COMBINED AUTHORITY (TRANSFER OF
POLICE AND CRIME COMMISSIONER FUNCTIONS) ORDER 2024

1. Citation, commencement and extent
 2. Interpretation
 3. Police and crime commissioner functions
 4. Transfer of police and crime commissioner functions
 5. Transfer of property, rights and liabilities
 6. Secondments
 7. Continuity
 8. Foreign property etc, perfection of vesting
 9. Transfers: supplementary provision
 10. Extension of financial year of Police and Crime Commissioner and Chief Constable for the West Midlands
 11. Modification to the Local Government Act 1972
 12. Consequential amendments
- Signature

SCHEDULE 1 — Modification of police and crime commissioner enactments in their application to the Mayor

PART 1 — Modifications of primary legislation

1. Police (Property) Act 1897
2. Trustee Investments Act 1961
3. Pensions (Increase) Act 1971
4. Local Government (Miscellaneous Provisions) Act 1976
5. Local Government, Planning and Land Act 1980

6. Dartford-Thurrock Crossing Act 1988
7. Local Government Finance Act 1988
8. Road Traffic Act 1988
9. Local Government and Housing Act 1989
10. Police Act 1996
11. Proceeds of Crime Act 2002
12. Police Reform Act 2002
13. Local Government Act 2003
14. Railways and Transport Safety Act 2003
15. Local Government and Public Involvement in Health Act 2007
16. Local Democracy, Economic Development and Construction Act 2009
17. Police Reform and Social Responsibility Act 2011
18. In section 5 (police and crime commissioners to issue police...
19. In section 7(7) (police and crime plans)—
20. In section 16 (appointment of persons not employed by elected...
21. In section 18 (delegation of functions by police and crime...
22. In section 21 (police fund), after subsection (3) insert—
23. In section 28 (police and crime panels outside London)—
24. In section 29 (power to require attendance and information)—
25. In section 30 (suspension of police and crime commissioner)—
26. In section 31(3) (conduct), for paragraphs (b) to (d) substitute—...
27. In section 62 (appointment of acting commissioner)—
28. For section 63 (vacancy where acting commissioner acts for 6...
29. For section 64(3) to (4A) (disqualification from election as police...
30. In section 65 (disqualification from election or holding office as...
31. In section 70 (declaration of acceptance of office of police...
32. In Schedule 1 (police and crime commissioners)—
33. In Schedule 5 (issuing precepts)— (a) in paragraph 1—
34. In Schedule 6 (police and crime panels)—
35. In Schedule 7 (regulations about complaints and conduct matters)—
36. In Schedule 8 (appointment, suspension and removal of senior police...
37. Local Audit and Accountability Act 2014
PART 2 — Modifications of secondary legislation
38. Motor Vehicles (Third Party Risks) Regulations 1972
39. Official Secrets Act 1989 (Prescription) Order 1990
40. Police (Disposal of Sound Equipment) Regulations 1995
41. Police (Property) Regulations 1997
42. Health and Safety (Enforcing Authority) Regulations 1998
43. Motor Vehicles (Driving Licences) Regulations 1999
44. Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999
45. Motor Vehicles (Access to Driver Licensing Records) Regulations 2001
46. Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001
47. Police Regulations 2003
48. Docking of Working Dogs' Tails (England) Regulations 2007
49. REACH Enforcement Regulations 2008
50. Elected Local Policing Bodies (Specified Information) Order 2011
51. Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
52. Police Appeals Tribunals Rules 2012
53. Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012

54. Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
55. Local Government Pension Scheme Regulations 2013
56. Local Audit (Auditor Resignation and Removal) Regulations 2014
57. Combined Authorities (Mayors) (Filling of Vacancies) Order 2017
58. Police Appeals Tribunals Rules 2020
59. Policing Protocol Order 2023

SCHEDULE 2 — Exclusion of legislation from application to the Combined Authority Mayor with policing and crime functions

PART 1 — Primary legislation

1. Section 28 of the Leasehold Reform Act 1967 (retention or...
2. The following provisions of the Local Government Act 1972—
3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976 (no statutory...
4. Section 14(1)(caa) of the Rent Act 1977 (landlord's interest belonging...
5. Sections 95, 96A, 97 and 98 of the Local Government,...
6. Sections 33 (enforceability by local authorities of certain covenants relating...
7. Sections 13AB(8)(f) and 13B(4)(g) of the Representation of the People...
8. Section 60 of the County Courts Act 1984 (right of...
9. The following provisions of the Housing Act 1985—
10. Section 38 of the Landlord and Tenant Act 1985 (minor...
11. Section 7 of the Local Government Act 1986 (transfer requires...
12. Section 58 of the Landlord and Tenant Act 1987 (exempt...
13. Sections 111, 113, 114 and 114A of the Local Government...
14. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988...
15. Section 39 of the Local Government Finance Act 1992 (precepting...
16. Section 33 of the Value Added Tax Act 1994 (refunds...
17. Section 94 of the Police Act 1996 (financing of new...
18. Paragraph 57 of Schedule 1 to the Freedom of Information...
19. Sections 21 and 22 of the Local Government Act 2003...
20. The following provisions of the Fire and Rescue Services Act...
21. The following provisions of the PRSR Act—
22. Paragraph 19 of Schedule 2 to the Local Audit and...
23. The following provisions of the Policing and Crime Act 2017—...

PART 2 — Secondary legislation

24. The Police and Crime Commissioner Elections Order 2012.
25. The Police and Crime Commissioner Elections (Functions of Returning Officers)...
26. The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations...
27. The Police and Crime Commissioner Elections (Declaration of Acceptance of...
28. The following provisions of Schedule 2 to the Local Government...
29. The Police and Crime Commissioner Elections Order 2015.
30. Article 7 of the Chancellor of the Duchy of Lancaster...
31. The Transfer of Functions (Police and Crime Commissioner Elections) Order...
32. The Police and Crime Commissioner Elections (Designation of Local Authorities)...
33. The Police and Crime Commissioner Elections (Designation of Police Area...

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

34. The Police and Crime Commissioner Elections (Local Returning Officers' and...

Explanatory Note