

Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

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 Secretary of State makes this Order in exercise of the powers conferred by sections 107F(1), (5) and (6), 114, 115, 116 and 117(5) of, and by Schedule 5C to, the Local Democracy, Economic Development and Construction Act 2009⁽¹⁾.

In accordance with section 107F(4) of that Act⁽²⁾ the mayor of the Combined Authority has consented to the making of this Order.

In accordance with section 113(1) of that Act⁽³⁾, the Secretary of State considers that making this Order is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area, and is appropriate having regard to the need to secure effective and convenient local government and to reflect the identities and interests of local communities. The Secretary of State has carried out a public consultation in accordance with section 113(2) of that Act.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of that Act⁽⁴⁾.

Citation, commencement and extent

1.—(1) This Order may be cited as the West Midlands Combined Authority (Transfer of Police and Crime Commissioner Functions) Order 2024.

(2) This Order comes into force on the day after the day on which it is made.

(3) This Order extends to England and Wales.

(1) [2009 c. 20](#). Section 107F was inserted by section 4(1) of, and Schedule 5C by Schedule 2 to, the Cities and Local Government Devolution Act [2016 \(c. 1\)](#).

(2) Section 107F(4) was substituted by section 62 of the Levelling-up and Regeneration Act [2023 \(c. 55\)](#).

(3) Subsections (1) and (2) of section 113 were substituted by section 14 of the Cities and Local Government Devolution Act 2016 and amended by section 66 of the Levelling-up and Regeneration Act 2023.

(4) Section 117(2) was substituted by section 13(2) of the Localism Act [2011 \(c. 20\)](#).

Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the PRSR Act” means the Police Reform and Social Responsibility Act 2011⁽⁵⁾;

“the Area” means the area of the Combined Authority;

“the Combined Authority” means the West Midlands Combined Authority⁽⁶⁾;

“the deputy mayor for policing and crime” means the deputy mayor for policing and crime for the Area;

“the Mayor” means the mayor for the Area;

“PCC component” means the component of the precept under section 40 of the Local Government Finance Act 1992⁽⁷⁾, as modified by the Combined Authorities (Finance) Order 2017⁽⁸⁾, in respect of the Mayor’s PCC functions;

“PCC component council tax requirement” means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992⁽⁹⁾, as modified by the Combined Authorities (Finance) Order 2017, in respect of the Mayor’s PCC functions.

Police and crime commissioner functions

3.—(1) The Mayor is to exercise functions of a police and crime commissioner in relation to the Area.

(2) There is to be no police and crime commissioner for the Area from 7th May 2024.

(3) Any election of a police and crime commissioner for the Area that would otherwise take place (whether before, on or after 7th May 2024) by virtue of section 50(1)(b) of the PRSR Act (ordinary elections)⁽¹⁰⁾ is not to take place.

(4) The term of office of the police and crime commissioner for the West Midlands is to continue until 7th May 2024.

(5) Any election to fill a vacancy in the office of police and crime commissioner for the West Midlands which would otherwise take place under section 51 of the PRSR Act (election to fill vacancy in office of commissioner)⁽¹¹⁾ is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending with 7th May 2024.

Transfer of police and crime commissioner functions

4.—(1) Subject to paragraphs (2) and (3), the Mayor is to be treated, in relation to the Mayor’s PCC functions⁽¹²⁾, as a police and crime commissioner for the purposes of all police and crime commissioner enactments, whenever passed or made⁽¹³⁾.

⁽⁵⁾ 2011 c. 13.

⁽⁶⁾ The West Midlands Combined Authority was established by S.I. 2016/653.

⁽⁷⁾ 1992 c. 14. Section 40 was amended by paragraph 17 of Schedule 7 to the Localism Act 2011 (c. 20) and section 5(2) of the Cities and Local Government Devolution Act 2016 (c. 1). There are other amendments not relevant to this instrument.

⁽⁸⁾ S.I. 2017/611.

⁽⁹⁾ Section 42A was inserted by section 75 of the Localism Act 2011 and amended by S.I. 2014/389. Section 107G of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

⁽¹⁰⁾ Section 50 was amended by section 8(1) to (4) of the Wales Act 2017 (c. 4).

⁽¹¹⁾ Section 51 was amended by section 8(5) of the Wales Act 2017.

⁽¹²⁾ “PCC functions” is defined at section 107F(3) of the Local Democracy, Economic Development and Construction Act 2009.

(2) In their application to the Mayor, the police and crime commissioner enactments set out in Schedule 1 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to the enactments set out in Schedule 2.

Transfer of property, rights and liabilities

5.—(1) All property, rights and liabilities, including rights and liabilities in relation to contracts of employment, which immediately before 7th May 2024 were property, rights and liabilities of the police and crime commissioner for the West Midlands are to transfer to, and by virtue of this paragraph vest in, the Combined Authority on 7th May 2024.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the Mayor’s PCC functions on or after 7th May 2024—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the Mayor;
- (c) any receipts arising from such property, rights and liabilities, whether arising from their use, sale, disposal or otherwise, are to be paid into the police fund kept by the Mayor by virtue of section 21 of the PRSR Act (police fund).

(3) All monies held in the police fund kept by the police and crime commissioner for the West Midlands under section 21 of the PRSR Act immediately before 7th May 2024 are, on that date, to transfer to the police fund kept by the Mayor by virtue of that section, as applied in accordance with article 4.

(4) Nothing in paragraph (2) prevents the Mayor from making arrangements under section 18 of the PRSR Act (delegation of functions by police and crime commissioners)(14), as applied in accordance with article 4, in relation to the matters mentioned in paragraph (2).

Secondments

6. In the case of a person who immediately before 7th May 2024 is seconded to the police and crime commissioner for the West Midlands, the secondment is to have effect, after that time, as a secondment to the Combined Authority.

Continuity

7.—(1) The abolition of the police and crime commissioner for the West Midlands, the transfer or abolition of the commissioner’s functions and the transfer of the commissioner’s property, rights and liabilities do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under this Order from the police and crime commissioner for the West Midlands to the Combined Authority.

(3) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred, and
- (b) is in the process of being done by or in relation to the police and crime commissioner for the West Midlands immediately before 7th May 2024.

(13) “Police and crime commissioner enactment” is defined at paragraph 12(5) of Schedule 5C to the Local Democracy, Economic Development and Construction Act 2009.

(14) Section 18 was amended by paragraphs 52 and 53 of Schedule 7 to the Localism Act 2011 (c. 20), paragraphs 115 and 116 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2), and by section 23(2) of the Policing and Crime Act 2017 (c. 3) (“the 2017 Act”).

(4) Anything which—

- (a) was made or done by or in relation to the police and crime commissioner for the West Midlands for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred, and
- (b) is in effect immediately before 7th May 2024,

has effect as if made or done by or in relation to the Combined Authority.

(5) The Combined Authority is to be substituted for the police and crime commissioner for the West Midlands in any instrument, contract or legal proceedings which—

- (a) relates to any of the functions, property, rights or liabilities transferred, and
- (b) is made or commenced before 7th May 2024.

(6) In this article a reference to the transfer of a function includes a reference to the abolition of a function and the conferral of a corresponding function on another person.

Foreign property etc, perfection of vesting

8.—(1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999 (foreign property, rights or liabilities: perfection of vesting)⁽¹⁵⁾ apply to the transfer by or under this Order of any foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of paragraph (1)—

- (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Order, and
- (b) references to the transferor and transferee are to be construed accordingly.

Transfers: supplementary provision

9.—(1) All property, rights and liabilities transferred by or under this Order are to be transferred, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred, or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Order, whether or not any consent required to the transfer has been obtained.

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document is to operate or become exercisable or be contravened, by reason of the transfer made by or under this Order.

(4) Paragraphs (1) to (3) have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property, or
- (b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by or under this Order of land or other property.

(5) In paragraph (3), “relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act, or
- (c) any deed or other instrument.

(15) 1999 c. 29.

Extension of financial year of Police and Crime Commissioner and Chief Constable for the West Midlands

10.—(1) The following requirements are modified in the case of the police and crime commissioner for the West Midlands and the chief constable for the financial year which began on 1st April 2023.

(2) The requirement in section 3(3) of the Local Audit and Accountability Act 2014 (general requirements for accounts)(**16**) to prepare a statement of accounts for each financial year ending with 31st March is modified so that the period ends with 6th May 2024.

(3) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)(**17**) is modified so that the relevant responsible financial officer must ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of those Regulations (period for the exercise of public rights) begins on 23rd July 2024.

(4) In this article—

“the chief constable” means the chief constable of the police force for the West Midlands;

“the relevant responsible financial officer”(**18**) means—

- (a) in relation to the police and crime commissioner, the responsible financial officer for the Combined Authority, and
- (b) in relation to the chief constable, the responsible financial officer for the police force for the West Midlands.

Modification to the Local Government Act 1972

11.—(1) Section 86 of the Local Government Act 1972 (declaration by local authority of vacancy in office in certain cases)(**19**) applies in relation to the Mayor with the following modification.

(2) After section 86(1)(c), insert—

“or

- (d) ceases to be the Mayor by virtue of section 63 (vacancy where acting commissioner acts for 6 months) of the Police Reform and Social Responsibility Act 2011,”.

Consequential amendments

12. In the Police and Crime Commissioner Elections Order 2012(**20**)—

- (a) in article 34 (prohibition of candidate election expenses not authorised by election agent), in table 1 in paragraph (4), omit the entry for “West Midlands”;
- (b) in article 35 (limitation of candidate election expenses), in table 2 in paragraph (2), omit the entry for “West Midlands”.

(16) 2014 c. 2.

(17) S.I. 2015/234. Relevant amendments were made by S.I. 2020/404, 2021/263, and 2021/565.

(18) “Responsible financial officer” is defined in regulation 2(2) of the Accounts and Audit Regulations 2015.

(19) 1972 c. 70. Section 86 was amended by paragraph 8 of Schedule 14 to the Local Government Act 1985 (c. 51) and by section 59 of and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments not relevant to this instrument.

(20) S.I. 2012/1917, amended by S.I. 2014/921, 2016/300, 2017/67, 2018/1310, 2021/1265, 2022/1275, 2022/1354 and 2022/1382.

Date

Name
Minister of State
Home Office

SCHEDULE 1

Article 4(2)

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

PART 1

Modifications of primary legislation

Police (Property) Act 1897

1.—(1) The Police (Property) Act 1897(**21**) is modified as follows.

(2) In section 2(2A) (regulations with respect to unclaimed property in possession of police), for the last reference to “relevant body” substitute “Combined Authority”.

Trustee Investments Act 1961

2.—(1) The Trustee Investments Act 1961(**22**) is modified as follows.

(2) In paragraph 9 of Part 2 of the First Schedule (manner of investment), for “similar officer of the authority” substitute “similar officer of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

Pensions (Increase) Act 1971

3.—(1) The Pensions (Increase) Act 1971(**23**) is modified as follows.

(2) In paragraph 51(aa) of Schedule 2 (official pensions: court and police staff), for “a police and crime commissioner” substitute “the police and crime commissioner for the West Midlands or of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

Local Government (Miscellaneous Provisions) Act 1976

4.—(1) The Local Government (Miscellaneous Provisions) Act 1976(**24**) is modified as follows.

(2) In section 29(1) (repayment of unclaimed compensation etc. paid into court)(**25**), for “or transferred to the authority”, substitute “to the Mayor, or transferred to the Combined Authority in relation to the Mayor’s PCC functions”.

(3) In section 30(3)(a) (power to forgo repayment of advances of remuneration paid to deceased employees)(**26**), for “maintained by a local authority”, substitute “maintained by the Mayor of the Combined Authority”.

(4) In section 44(1) (interpretation etc. of Part I)(**27**), in paragraph (a) of the definition of “local authority”, for “13 to 16, 29, 30, 38, 39 and 41” substitute “13, 14, 16, 29 and 38”.

(21) 1897 c. 30. Section 2(2A) was inserted by section 1 of the Police (Property) Act 1997 (c. 30) and amended by paragraph 62 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) (“the PRSR Act”).

(22) 1961 c. 62. There are amendments to paragraph 9 of Part 2 of the First Schedule not relevant to this instrument.

(23) 1971 c. 56. Paragraph 51 was amended by Part 1 of Schedule 9 to the Police Act 1996 (c. 16) and by paragraph 97 of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(24) 1976 c. 57.

(25) Section 29(1) was amended by paragraph 14 of Schedule 16 to the Housing and Planning Act 2016 (c. 22).

(26) Section 30(3) was substituted by paragraph 126 of Schedule 16 to the PRSR Act.

(27) The definition of “local authority” was substituted by paragraph 53 of Schedule 14 to the Local Government Act 1985 (c. 51) and amended by paragraph 43(a) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraph 127 of Schedule 16 to the PRSR Act, and paragraph 36 of Schedule 1 to and paragraph 51 of Schedule 2 to the 2017 Act. There are other amendments not relevant to this instrument.

Local Government, Planning and Land Act 1980

- 5.—(1) The Local Government, Planning and Land Act 1980(28) is modified as follows.
- (2) In section 99 (directions to dispose of land – supplementary)—
- (a) after subsection (2), insert—

“(2A) Where a notice under subsection (1) is received by the Combined Authority which relates to land used wholly or partly in relation to the Mayor’s PCC functions, the Mayor is to make any representations under subsection (2) on behalf of the Combined Authority to the Secretary of State.”;
 - (b) in subsection (4)—
 - (i) in paragraph (dbzb)(29) at the end insert “or, as the case may be, the Mayor”;
 - (ii) omit paragraph (dc)(30).

Dartford-Thurrock Crossing Act 1988

- 6.—(1) The Dartford-Thurrock Crossing Act 1988(31) is modified as follows.
- (2) In section 19(a)(i) (exemption from tolls), for “a local policing body” substitute “the Combined Authority for use in relation to the exercise of the Mayor’s PCC functions”.

Local Government Finance Act 1988

- 7.—(1) The Local Government Finance Act 1988(32) is modified as follows.
- (2) In section 114 (functions of responsible officer as regards reports)—
- (a) for subsection (4)(b)(i)(33) substitute—

“(i) the Mayor exercising PCC functions, each member of the Combined Authority, including the Mayor, and each member of the police and crime panel for the Mayor’s area;”;
 - (b) in subsection (8A)(b)(34), for “relevant authority”, substitute “Mayor”.
- (3) In section 115 (authority’s duties as regards reports)—
- (a) for subsection (1B)(35) substitute—

“(1B) In the case of a report made by the chief finance officer of the Combined Authority in relation to the Mayor’s PCC functions, the Mayor must consider the report and decide whether the Mayor agrees or disagrees with the views contained in the report and what action (if any) the Mayor proposes to take in consequence of it.”;
 - (b) in subsection (1E)—
 - (i) for “the elected local policing body”, substitute “the Mayor”;
 - (ii) for “that body”, in each place it occurs, substitute “the Mayor”;
 - (c) in subsection (1F)(b), for “elected local policing body’s” substitute “Combined Authority’s”;

(28) 1980 c. 65.

(29) Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009.

(30) Section 99(4)(dc) was inserted by paragraph 141 of Schedule 16 to the PRSR Act.

(31) 1988 c. 20. Section 19(a)(i) was substituted by paragraph 177 of Schedule 16 to the PRSR Act. There are other amendments to section 19 not relevant to this instrument.

(32) 1988 c. 41.

(33) Section 114(4)(b) was substituted by paragraph 188(5) of Schedule 16 to the PRSR Act.

(34) Subsection (8A)(b) was inserted by paragraph 188(6) of Schedule 16 to the PRSR Act.

(35) Section 115(1B) to (1F) were inserted by paragraph 189(2) of Schedule 16 to the PRSR Act.

- (d) in subsection (2)(36), for “an elected local policing body” substitute “a Combined Authority in relation to a Mayor exercising PCC functions”.
- (4) For section 116(2B) (information about consideration of reports etc.)(37), substitute—
 - “(2B) In the case of the Mayor, the chief finance officer of the Combined Authority must notify the auditor of the Combined Authority of any decision taken by the Mayor in accordance with section 115.”.

Road Traffic Act 1988

- 8.—(1) The Road Traffic Act 1988(38) is modified as follows.
- (2) In section 144(2)(b) (exceptions from requirement of third-party insurance)—
 - (a) for “a local policing body” substitute “the Combined Authority for use in relation to the Mayor’s PCC functions”;
 - (b) for “a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)” substitute “the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions”.

Local Government and Housing Act 1989

- 9.—(1) The Local Government and Housing Act 1989(39) is modified as follows.
- (2) In section 1 (disqualification and political restriction of certain officers and staff)—
 - (a) in subsection (9)(40), for “an elected local policing body” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions”;
 - (b) in subsection (10)(41), for “an elected local policing body does not include a deputy police and crime commissioner” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions does not include the deputy mayor for policing and crime”.
- (3) In section 4 (designations and reports of head of paid service)—
 - (a) omit subsections (1) and (1A)(42);
 - (b) for subsection (4)(43), substitute—
 - “(4) It shall be the duty of the head of the Combined Authority’s paid service, as soon as practicable after he has prepared a report relating to the Mayor’s PCC functions under this section, to arrange for a copy of it to be sent to the members of the Combined Authority, including the Mayor, and to the police and crime panel.”;
 - (c) in subsection (5)(44), omit “(other than an elected local policing body)”;
 - (d) in subsection (5A)(45), for “by the head of the body’s paid service” substitute “that relates to the Mayor’s PCC functions”.

(36) Section 115(2) was amended by paragraph 189(3) of Schedule 16 to the PRSR Act and by [S.I. 2018/226](#).

(37) Section 116(2B) was inserted by paragraph 190(3) of Schedule 16 to the PRSR Act.

(38) [1988 c. 52](#). Section 144(2)(b) was amended by Part VIII of Schedule 34 to the Greater London Authority Act [1999 \(c. 29\)](#), paragraph 197(3) of Schedule 16 to the PRSR Act, and paragraph 8 of Schedule 12 to the 2017 Act.

(39) [1989 c. 42](#).

(40) Section 1(9) was inserted by paragraph 200 of Schedule 16 to the PRSR Act and amended by section 123(2) of, and paragraph 61 of Schedule 2 and paragraph 86 of Schedule 2 to, the 2017 Act.

(41) Section 1(10) was inserted by section 123(3) of the 2017 Act.

(42) Section 4(1A) was inserted by paragraph 201(2) of Schedule 16 to the PRSR Act.

(43) Section 4(4) was amended by paragraph 201(3) of Schedule 16 to the PRSR Act, and by paragraph 62(2) of Schedule 1 and paragraph 87(2) of Schedule 2 to, the 2017 Act.

(44) Section 4(5) was amended by paragraph 201(4) of Schedule 16 to the PRSR Act.

(45) Section 4(5A) was inserted by paragraph 201(5) of Schedule 16 to the PRSR Act.

- (4) In section 5 (designation and reports of monitoring officer)—
- (a) omit subsection (1C)(46);
 - (b) for subsection (3)(b)(a)(47), substitute—
 - “(a) in the case of a report relating to the Mayor’s PCC functions, to the members of the Combined Authority, including the Mayor, and to the police and crime panel; and”;
 - (c) in subsection (5)—
 - (i) for “a relevant authority” substitute “the Mayor”;
 - (ii) in paragraph (a)(48)—
 - (aa) in sub-paragraph (i), omit “in the case of an elected local policing body”;
 - (bb) omit sub-paragraph (ii);
 - (d) in subsection (8)(49), in the definition of “relevant authority” omit “an elected local policing body”.
- (5) Omit section 7(1)(aa) (all staff to be appointed on merit)(50).
- (6) Omit section 13(5ZA) (voting rights of members of certain committees: England and Wales)(51).

Police Act 1996

- 10.**—(1) The Police Act 1996(52) is modified as follows.
- (2) In section 22A(9)(a) (collaboration agreements)(53), for “that body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.
- (3) In section 41 (directions as to minimum budget)(54)—
- (a) in subsection (1), for “commissioner’s council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)” substitute “PCC component council tax requirement”;
 - (b) in subsection (4), for “precept issued or calculation made by the commissioner under Part 1 of the Local Government Finance Act 1992”, substitute “determination by the Mayor of the final amount of the PCC component”.
- (4) In section 53E (guidance about civilian staff employed by local policing bodies and chief officers)(55)—
- (a) in subsection (1)(a), for “a local policing body” substitute “the Combined Authority and are deployed wholly or partly in relation to the Mayor’s PCC functions”;
 - (b) in subsection (1)(b), for “the body” substitute “the Combined Authority”.

(46) Section 5(1C) was inserted by paragraph 202(3) of Schedule 16 to the PRSR Act.

(47) Section 5(3)(b) was amended by paragraph 202(4) of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(48) Section 5(5)(a) was amended by paragraph 202(5) of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(49) The definition of “relevant authority” was amended by paragraph 634(3)(b) of Schedule 1 to the 2017 Act. There are other amendments not relevant to this instrument.

(50) Section 7(1)(aa) was inserted by paragraph 203(b) of Schedule 16 to the PRSR Act.

(51) Section 13(5ZA) was inserted by section 7(8) of the 2017 Act.

(52) 1996 c. 16.

(53) Section 22A was inserted by section 89(2) of the PRSR Act. There are amendments to section 22A not relevant to this instrument.

(54) Section 41 was amended by paragraph 28 of Schedule 2 to the Police and Justice Act 2006 (c. 48), section 22 of the PRSR Act, and by paragraph 33 of Schedule 7 to the Localism Act 2011 (c. 20).

(55) Section 53E was inserted by section 125 of the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).

(5) In section 88 (liability for wrongful acts of constables)(**56**)—

- (a) in subsection (5A), for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) in subsection (6)(a), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

(6) In section 92(1) (grants by local authorities)(**57**), for “parish or community” substitute “parish, community or Combined Authority”.

(7) In section 96(1B) (arrangements for obtaining the views of the community on policing)(**58**), for “precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992” substitute “PCC component is determined by the Mayor”.

Proceeds of Crime Act 2002

11.—(1) The Proceeds of Crime Act 2002(**59**) is modified as follows.

(2) For section 55(8)(aa) (sums received by designated officer) substitute—

- “(aa) a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions,”.

Police Reform Act 2002

12.—(1) The Police Reform Act 2002(**60**) is modified as follows.

(2) In section 40(7)(d) (community safety accreditation schemes)(**61**), for “local policing body” substitute “Combined Authority and who are deployed wholly or partly in relation to the Mayor’s PCC functions”.

(3) In section 42(7) (supplementary provisions relating to designations and accreditations)(**62**)—

- (a) for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) for the second reference to “local policing body” substitute “Combined Authority”;
- (c) for “or body” substitute “or Combined Authority”.

Local Government Act 2003

13.—(1) The Local Government Act 2003(**63**) is modified as follows.

(2) In section 7 (credit arrangements)—

- (a) in subsection (1)(a), for “its part” substitute “the part of the Combined Authority”;
- (b) in subsection (2), for “on the part of the authority”, substitute “on the part of the Combined Authority”.

(56) Section 88 was amended by paragraph 85 of Schedule 9 to the Police Act 1997 (c. 50), sections 102(1) and (4) and 103(1) of the Police Reform Act 2002, paragraph 80(3) of Schedule 4 and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraph 42 of Schedule 16 to the PRSR Act, paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22) and by S.I. 2012/1809 and 2019/742.

(57) Section 92(1) was amended by section 25(4)(a) of the PRSR Act.

(58) Section 96(1B) was inserted by section 14(3) of the PRSR Act.

(59) 2002 c. 29. Section 55(8)(aa) was inserted by paragraph 305 of Schedule 16 to the PRSR Act.

(60) 2002 c. 30.

(61) Section 40(7)(d) was amended by paragraph 295(4) of Schedule 16 to the PRSR Act.

(62) Section 42(7) was amended by paragraph 296 of Schedule 16 to the PRSR Act.

(63) 2003 c. 26.

Railways and Transport Safety Act 2003

- 14.—(1) The Railways and Transport Safety Act 2003⁽⁶⁴⁾ is modified as follows.
- (2) For paragraph 7(2)(c) of Schedule 4 (British Transport Police Authority), substitute—
- “(c) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions.”.

Local Government and Public Involvement in Health Act 2007

- 15.—(1) The Local Government and Public Involvement in Health Act 2007⁽⁶⁵⁾ is modified as follows.
- (2) For section 15(1)(a) (incidental etc provision in orders or regulations), substitute—
- “(a) for the transfer of functions, property, rights or liabilities from a local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body for any area to another local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body whose area consists of or includes the whole or part of that area.”.

Local Democracy, Economic Development and Construction Act 2009

- 16.—(1) The 2009 Act is modified as follows.
- (2) In paragraph 9(1)(a) of Schedule 5B (mayors for combined authority areas: further provision about elections)⁽⁶⁶⁾, for “or deputy mayor” substitute “, deputy mayor or deputy mayor for policing and crime”.

Police Reform and Social Responsibility Act 2011

17. The PRSR Act is modified as follows.
18. In section 5 (police and crime commissioners to issue police and crime plans)⁽⁶⁷⁾—
- (a) in subsection (1), for “ordinary election” substitute “election for the return of a Mayor”;
- (b) in subsection (13)—
- (i) in the definition of “financial year”, for “the police and crime commissioner” substitute “the Combined Authority”;
- (ii) omit the definition of “ordinary election”.
19. In section 7(7) (police and crime plans)⁽⁶⁸⁾—
- (a) in the definition of “financial year”, for “the elected local policing body” substitute “the Combined Authority”;
- (b) omit the definition of “ordinary election”;
- (c) in the definitions of “planning period” and “qualifying day”, for “ordinary election” substitute “election for the return of a Mayor”.
20. In section 16 (appointment of persons not employed by elected local policing bodies)—
- (a) for subsection (1), substitute—

⁽⁶⁴⁾ 2003 c. 20. Paragraph 7(2)(c) of Schedule 4 was inserted by paragraph 328 of Schedule 16 to the PRSR Act.

⁽⁶⁵⁾ 2007 c. 28. Section 15(1)(a) was amended by paragraph 14(2)(a) of Schedule 10 to the PRSR Act.

⁽⁶⁶⁾ Schedule 5B was inserted by Schedule 1 to the Cities and Local Government Devolution Act 2016 (c. 1).

⁽⁶⁷⁾ There are amendments to section 5 not relevant to this instrument.

⁽⁶⁸⁾ Section 7 was amended by paragraph 97 of Schedule 11 to the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).

- “(1) This section applies where the Mayor, in connection with the exercise of the Mayor’s PCC functions, is required or authorised by any Act—
- (a) to appoint a person to a specified post in the Combined Authority; or
 - (b) to designate a person as having specified duties or responsibilities.”;
- (b) in subsection (2), for “the body” substitute “the Combined Authority”.
- 21.** In section 18 (delegation of functions by police and crime commissioners)**(69)**—
- (a) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
 - (b) in subsection (6)—
 - (i) after paragraph (d), insert—

“(da) a deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009**(70)**”;
 - (ii) after paragraph (h), insert—

“(i) the Combined Authority.”;
 - (c) in subsection (7)—
 - (i) for paragraph (f), substitute—

“(f) calculating the PCC component council tax requirement.”;
 - (ii) omit paragraphs (g) and (h);
 - (d) for subsection (10), substitute—

“(10) The deputy mayor for policing and crime is a member of staff of the Combined Authority, unless they are a member of the Combined Authority.”.
- 22.** In section 21 (police fund), after subsection (3) insert—

“(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred in or otherwise relates to the exercise of the Mayor’s PCC functions.”.
- 23.** In section 28 (police and crime panels outside London)**(71)**—
- (a) omit subsections (1A) and (1B);
 - (b) in subsection (6)(a), after “police and crime commissioner” insert “, the deputy mayor for policing and crime and any other person who exercises any function of the Mayor pursuant to arrangements made under section 18”.
- 24.** In section 29 (power to require attendance and information)—
- (a) for subsection (1), substitute—

“(1) A police and crime panel may require—

 - (a) the Mayor,
 - (b) the deputy mayor for policing and crime,
 - (c) members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions, and
 - (d) any members of the Combined Authority who exercise any function of the Mayor pursuant to arrangements made under section 18,

(69) Section 18 was amended by paragraph 53 of Schedule 7 to the Localism Act 2011 (c. 20), paragraph 116 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2), and section 23(2) of the 2017 Act.

(70) 2009 c. 20. Section 107C was inserted by section 3 of the Cities and Local Government Devolution Act 2016 (c. 1).

(71) Section 28 was amended by paragraph 89 of Schedule 1 to the 2017 Act.

to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.”;

(b) for subsection (2), substitute—

“(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given by that person to—

(a) the Mayor in relation to the Mayor’s PCC functions,

(b) the deputy mayor for policing and crime, or

(c) a member of the Combined Authority who exercises any function of the Mayor pursuant to arrangements made under section 18.”;

(c) for subsection (5), substitute—

“(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.”;

(d) in subsection (6), after “commissioner” insert “or the deputy mayor for policing and crime”.

25. In section 30 (suspension of police and crime commissioner)—

(a) in subsection (1), for “relevant police and crime commissioner” substitute “Mayor so far as acting in the exercise of PCC functions”;

(b) for subsection (3), substitute—

“(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the Mayor is to be treated as holding that office during that suspension.”.

26. In section 31(3) (conduct), for paragraphs (b) to (d) substitute—

“(b) deputy mayor for policing and crime.”.

27. In section 62 (appointment of acting commissioner)—

(a) for subsection (1), substitute—

“(1) The police and crime panel must appoint a person to exercise the Mayor’s PCC functions (the “acting commissioner”) if the Mayor is suspended from the exercise of PCC functions in accordance with section 30.”;

(b) in subsection (2), for “member of the police and crime commissioner’s staff”, substitute “member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or the deputy mayor for policing and crime”;

(c) after subsection (2), insert—

“(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.”;

(d) omit subsection (3);

(e) for subsection (5), substitute—

“(5) Any property or rights vested in the Combined Authority in relation to the Mayor’s PCC functions can be dealt with by the acting commissioner.”;

(f) omit subsection (6)(c);

(g) in subsection (7)—

(i) omit “incapacitated or”;

(ii) omit “(c) or”;

(h) omit subsection (8).

28. For section 63 (vacancy where acting commissioner acts for 6 months), substitute—

(1) Subsection (2) applies where—

- (a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the Mayor because the Mayor is unable to act; and
- (b) the Mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting mayor was appointed.

(2) At the end of that 6 month period—

- (a) the Mayor ceases to be the Mayor, and
- (b) accordingly, the office of Mayor becomes vacant.”.

29. For section 64(3) to (4A) (disqualification from election as police and crime commissioner)(**72**), substitute—

“(3) A person is disqualified from being elected as the Mayor at an election held under the West Midlands Combined Authority (Election of Mayor) Order 2016(**73**) if—

- (a) the person has been nominated as a candidate for election as police and crime commissioner for any other police area at an ordinary election, and
- (b) the ordinary election is held on the same day as the election to return the Mayor.

(4) A person is disqualified from being elected as the Mayor at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(**74**) if—

- (a) the person is the police and crime commissioner for any other police area; or
- (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.”.

30. In section 65 (disqualification from election or holding office as police and crime commissioner: police grounds)(**75**)—

(a) in subsection (1)(e), insert after paragraph (ii)—

“(iii) the Combined Authority;”;

(b) for subsection (1A), substitute—

“(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime—

- (a) from being elected as Mayor at an election held under the West Midlands Combined Authority (Election of Mayor) Order 2016;
- (b) from being elected at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 to fill a vacancy in the office of Mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.”.

31. In section 70 (declaration of acceptance of office of police and crime commissioner)(**76**)—

(a) for subsection (1), substitute—

(72) Subsections (3A) and (4A) were inserted by [S.I. 2017/470](#).

(73) [S.I. 2016/933](#).

(74) [S.I. 2017/69](#).

(75) Section 65 was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), section 122(1) of and paragraph 73(2) of Schedule 9 to, the 2017 Act and by [S.I. 2021/1265](#).

(76) Section 70 was amended by [S.I. 2021/1265](#).

- “(1) A person elected to the office of Mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.”;
- (b) omit subsection (2);
- (c) in subsection (5), for the first reference to “office” substitute “the duty of exercising police and crime commissioner functions as Mayor”;
- (d) for subsection (6), substitute—
- “(6) In this section—
- “appropriate officer” means the person designated as the head of paid service by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989;
- “specified declaration” means the following declaration—
- I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as Mayor of the West Midlands.
- In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions:
- I will serve all the people of the West Midlands.
- I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public.
- I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.
- I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.
- I will not interfere with the operational independence of police officers.”;
- (e) omit subsection (7).

32. In Schedule 1 (police and crime commissioners)(77)—

- (a) for paragraph 1, substitute—
- “1. This Schedule applies in relation to the Mayor in the exercise of PCC functions.”;
- (b) for paragraph 4, substitute—
- (1) The Mayor must make authorised pension payments.
- (2) In this paragraph “authorised pension payments” means—
- (a) pensions to, or in respect of, persons who have been the police and crime commissioner for the West Midlands, and
- (b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for the West Midlands,
- which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.”;
- (c) in paragraph 5(2), for “any of paragraphs 2 to” substitute “paragraph”;
- (d) in paragraph 8—
- (i) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
- (ii) for sub-paragraphs (3) and (3A), substitute—

(77) Paragraph 8 of Schedule 1 was amended by section 121 of the 2017 Act.

“(3) The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person’s term of office ends no later than the third day after the day of the poll at an election for the return of a Mayor.

(3A) The terms and conditions must also provide for the deputy mayor for policing and crime’s appointment to end when, following an election held to fill a vacancy in the office of the appointing Mayor, the person elected makes and delivers a declaration under section 70.”;

(e) for paragraph 9(1), substitute—

“(1) The Mayor must notify the police and crime panel of each proposed appointment by the Mayor of a deputy mayor for policing and crime.”;

(f) in paragraph 10(9)(a), for “ordinary election of a police and crime commissioner under section 50” substitute “election for the return of a Mayor”;

(g) for paragraph 13, substitute—

(1) The Mayor may pay—

(a) remuneration, allowances and gratuities to members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions; and

(b) allowances and gratuities to the deputy mayor for policing and crime where that person is not a member of staff of the Combined Authority.

(2) The Mayor may pay—

(a) pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions; and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions.

(3) In this paragraph “allowances” —

(a) in relation to a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff in relation to such functions; and

(b) in relation to a deputy mayor for policing and crime who is not a member of the Combined Authority’s staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person’s duties as deputy mayor for policing and crime.”;

(h) for paragraph 15(2), substitute—

“(2) A person who is—

(a) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions, or

(b) a member of the Combined Authority exercising the Mayor’s PCC functions,

has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the Mayor’s PCC functions as a member of staff or as a member of the Combined Authority, unless it is shown to have been done otherwise than in good faith.”;

(i) for paragraph 16, substitute—

“16. References to the financial year of the Mayor are to be read as if they were references to the financial year of the Combined Authority.”.

33. In Schedule 5 (issuing precepts)—

- (a) in paragraph 1—
 - (i) for sub-paragraph (1), substitute—

“(1) The Mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached.”;
 - (ii) for sub-paragraph (3), substitute—

“(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.”;
- (b) in paragraph 2, for “the precept which the commissioner is proposing to issue” substitute “the proposed amount of the PCC component”;
- (c) in paragraph 3(3), for “the precept that should be issued” substitute “the amount of the PCC component”;
- (d) in paragraph 4(3), for “precept for the financial year” substitute “PCC component for the financial year”;
- (e) in paragraph 5(3)—
 - (i) in paragraph (a), for “issue the proposed precept as the precept” substitute “determine that the proposed amount of the PCC component is the final amount of the PCC component”;
 - (ii) in paragraph (b), for “issue a different precept” substitute “determine a different PCC component”;
- (f) in paragraph 6(2), for “issue the proposed precept as the precept” substitute “determine that the proposed PCC component is to be the PCC component”;
- (g) in paragraph 8—
 - (i) in sub-paragraph (1), for “the issuing of precepts” substitute “determining the amount of the PCC component”;
 - (ii) in sub-paragraph (4), for “precept that may be issued” substitute “amount of the PCC component”.

34. In Schedule 6 (police and crime panels)(78)—

- (a) for paragraph 21, substitute—

“21. The Mayor, a member of the Combined Authority appointed by the constituent councils, or a substitute member acting in place of such a member may not be a member of the police and crime panel for the area.”;
- (b) in paragraph 22(1)(a), for the words “police and crime commissioner for that police area” substitute “Combined Authority”;
- (c) in paragraph 33, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the elected Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”;
- (d) in paragraph 34, after sub-paragraph (1) insert—

(78) Schedule 6 was amended by paragraph 92 of Schedule 1 to the 2017 Act.

“(1A) But this paragraph does not apply if the current Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”.

- 35.** In Schedule 7 (regulations about complaints and conduct matters)(**79**)—
- (a) in paragraph 3(1)(a)(ii), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime (unless the holder of that office is a member of the Combined Authority)”;
 - (b) for paragraph 4, substitute—
 - (1) This paragraph applies in relation to qualifying complaints which—
 - (a) relate to a holder of the office of—
 - (i) Mayor; or
 - (ii) deputy mayor for policing and crime, if the holder of that office is a member of the Combined Authority, and
 - (b) are not, or cease to be, investigated by the Director General of the Independent Office for Police Conduct or a police force.
 - (2) Regulations must secure that such complaints are dealt with in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.”.
- 36.** In Schedule 8 (appointment, suspension and removal of senior police officers)(**80**)—
- (a) for paragraph 4(10), substitute—

“(10) For that purpose, “relevant post-election period” means the period that—

 - (a) begins with the day of the poll at an election for the return of the Mayor; and
 - (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”;
 - (b) for paragraph 15(8), substitute—

“(8) For that purpose, “relevant post-election period” means the period that—

 - (a) begins with the day of the poll at an election for the return of the Mayor; and
 - (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”.

Local Audit and Accountability Act 2014

- 37.**—(1) The Local Audit and Accountability Act 2014(**81**) is modified as follows.
- (2) In Schedule 4 (further provisions about auditor panels)—
- (a) for paragraph 2(4)(a), substitute—

“(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (“the relevant authority concerned”) is a Combined Authority where the Mayor exercises PCC functions;”;
 - (b) for paragraph 2(5), substitute—

(79) Schedule 7 was amended by paragraph 73 of Schedule 9 to the 2017 Act. There are other amendments to Schedule 7 not relevant to this instrument.

(80) There are amendments to Schedule 8 not relevant to this instrument.

(81) 2014 c. 2. Paragraph 2(4) to (7) of Schedule 4 was substituted by S.I. 2014/2845.

“(5) Where the relevant authority concerned is a Combined Authority where the Mayor exercises PCC functions, references to “the authority” include the chief constable for the area.”.

PART 2

Modifications of secondary legislation

Motor Vehicles (Third Party Risks) Regulations 1972

38.—(1) The Motor Vehicles (Third Party Risks) Regulations 1972(**82**) are modified as follows.

(2) For regulation 7(3) (production of evidence as alternatives to certificates), substitute—

“(3) in the case of a motor vehicle owned by the Combined Authority for use wholly or partly in relation to the Mayor’s PCC functions, a certificate in form F signed by some person authorised in that behalf by the Mayor that the motor vehicle is owned by the Combined Authority for use in relation to the Mayor’s PCC functions.”.

Official Secrets Act 1989 (Prescription) Order 1990

39.—(1) The Official Secrets Act 1989 (Prescription) Order 1990(**83**) is modified as follows.

(2) In Schedule 2 (prescriptions), for “A Deputy police and crime commissioner”, substitute “A deputy mayor for policing and crime”.

Police (Disposal of Sound Equipment) Regulations 1995

40.—(1) The Police (Disposal of Sound Equipment) Regulations 1995(**84**) are modified as follows.

(2) In regulation 4(4) (application of proceeds of sale), for “local policing body” substitute “Combined Authority”.

Police (Property) Regulations 1997

41.—(1) The Police (Property) Regulations 1997(**85**) are modified as follows.

(2) In regulation 6(6), for “relevant authority” substitute “Combined Authority”.

(3) In regulation 7(1), for “vest in them” substitute “vest in the Combined Authority”.

Health and Safety (Enforcing Authority) Regulations 1998

42.—(1) The Health and Safety (Enforcing Authority) Regulations 1998(**86**) are modified as follows.

(2) In regulation 4(3)(d) (exceptions), for “a local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

(82) *S.I. 1972/1217*. Regulation 7(3) was amended by *S.I. 2011/3058*. There are other amending instruments not relevant to this instrument.

(83) *S.I. 1990/200*, amended by *S.I. 2012/2900*. There are other amending instruments not relevant to this instrument.

(84) *S.I. 1995/722*. Regulation 4 was amended by *S.I. 2000/1549* and *2011/3058*.

(85) *S.I. 1997/1908*. Regulation 6 was amended by *S.I. 2002/2313* and *2013/2318*. Regulation 7 was amended by paragraph 320 of the Sentencing Act 2020 (c. 17).

(86) *S.I. 1998/494*. Regulation 4(3)(d) was amended by *S.I. 2011/3058*. There are other amendments to regulation 4 not relevant to this instrument.

Motor Vehicles (Driving Licences) Regulations 1999

43.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(**87**) are modified as follows.

(2) In regulation 23(1)(c)(ii) (persons by whom theory tests may be conducted), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(3) In regulation 24(1)(d)(ii) (persons by whom manoeuvres tests, large vehicle off road manoeuvres tests, practical tests and unitary tests may be conducted), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(4) In regulation 58(2)(c)(ii) (provision of approved training courses), for “local policing body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999

44.—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(**88**) is modified as follows.

(2) For paragraph 2 of Section 6 of Schedule 1 (Employment to which this Order Applies: Employers Immediately Before the Relevant Event), substitute—

“**2.** The Combined Authority in relation to employees deployed wholly or partly in relation to the Mayor’s PCC functions.”.

Motor Vehicles (Access to Driver Licensing Records) Regulations 2001

45.—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001(**89**) are modified as follows.

(2) In regulation 3(2) (further disclosure), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001

46.—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001(**90**) are modified as follows.

(2) In regulation 2(1)(b), for “a local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

Police Regulations 2003

47.—(1) The Police Regulations 2003(**91**) are modified as follows.

(2) In regulation 7(7)(a) (business interests of members of police forces: general), for “a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011” substitute “the deputy mayor for policing and crime”.

(87) [S.I. 1999/2864](#), amended by [S.I. 2011/3058](#). There are other amending instruments not relevant to this instrument.

(88) [S.I. 1999/2277](#). Paragraph 2 of Section 6 of Schedule 1 was substituted by [S.I. 2012/2733](#).

(89) [S.I. 2001/3343](#). Regulation 3(2) was amended by [S.I. 2011/3058](#).

(90) [S.I. 2001/2645](#). Regulation 2 was amended by [S.I. 2012/61](#).

(91) [S.I. 2003/527](#). Regulation 7 was substituted by [S.I. 2012/1960](#). Regulation 24(1) was amended by [S.I. 2011/3026](#).

(3) In regulation 24(1)(b) (pay), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

Docking of Working Dogs’ Tails (England) Regulations 2007

48.—(1) The Docking of Working Dogs’ Tails (England) Regulations 2007⁽⁹²⁾ are modified as follows.

- (2) In regulation 2 (interpretation), for the definition of “police identification” substitute—
- ““police identification” means evidence that the person presenting the identification is—
- (a) a police officer;
 - (b) employed by the Combined Authority and deployed wholly or partly in relation to the Mayor’s PCC functions;
 - (c) contracted to work for the Mayor in relation to the Mayor’s PCC functions; or
 - (d) contracted to work for, or otherwise employed by, the chief officer of police.”.

REACH Enforcement Regulations 2008

49.—(1) The REACH Enforcement Regulations 2008⁽⁹³⁾ are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for “local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

Elected Local Policing Bodies (Specified Information) Order 2011

50.—(1) The Elected Local Policing Bodies (Specified Information) Order 2011⁽⁹⁴⁾ is modified as follows.

- (2) In article 1(2) (interpretation)—
- (a) for the definition of “election” substitute—

““election” means an election for the return of a Mayor;”;
 - (b) in the definition of “relevant office holder”, for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
 - (c) for the definition of “senior employee”, substitute—

““senior employee” means a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions and whose salary exceeds £50,000;”;
 - (d) for the definition of “staff”, substitute—

““staff” means members of staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions but does not include the deputy mayor for policing and crime.”.
- (3) In the Schedule—
- (a) in paragraph 2—
 - (i) omit the first reference to “of the elected local policing body”;
 - (ii) for each of the remaining two references to “elected local policing body” substitute “Combined Authority”;

⁽⁹²⁾ [S.I. 2007/1120](#). The definition of “police identification” was amended by [S.I. 2012/61](#).

⁽⁹³⁾ [S.I. 2008/2852](#). Paragraph 5(c) of Part 3 of Schedule 3 was amended by [S.I. 2011/3058](#).

⁽⁹⁴⁾ [S.I. 2011/3050](#).

- (b) in paragraph 3(95) —
 - (i) for sub-paragraph (b), substitute—
 - “(b) the PCC component;”;
 - (ii) in sub-paragraph (c), for “the precept” substitute “the PCC component”;
- (c) in paragraph 4(96)—
 - (i) for the first reference to “elected local policing body”, substitute “Combined Authority in relation to the Mayor’s PCC functions”;
 - (ii) in sub-paragraph (a), for “by, or occupied for the purposes of” substitute “by the Combined Authority in relation to the Mayor’s PCC functions, or occupied for the purposes of”;
 - (iii) in sub-paragraphs (b) and (c), for “£10,000” substitute “£5,000”;
 - (iv) for sub-paragraph (d), substitute—
 - “(d) a list of every contract with a value not exceeding £5,000 —
 - (i) which the Mayor has entered into, or is to enter into, on behalf of the Combined Authority in relation to the Mayor’s PCC functions; or
 - (ii) to which the chief officer of the police force maintained by the Mayor 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.”.

Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

51.—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(97) are modified as follows.

- (2) In regulation 2 (interpretation)—
 - (a) after the definition of “document”, insert—
 - ““head of paid service” means the head of paid service designated by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989(98);”;
 - (b) in the definition of “police and crime panel”, in paragraph (a), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
 - (c) in the definition of “relevant office”, for paragraph (b) substitute—
 - “(b) deputy mayor for policing and crime;”.
- (3) In regulation 7 (delegation of powers and duties by police and crime panels)—
 - (a) for paragraph (1)(a), substitute—
 - “(a) the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989;”;
 - (b) in paragraph (2), omit “a chief executive or”;
 - (c) for paragraph (3), substitute—
 - “(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and

(95) Paragraph 3 of the Schedule was amended by S.I. 2012/2479 and 2013/1816.

(96) Paragraph 4 of the Schedule was amended by S.I. 2012/2479.

(97) S.I. 2012/62, to which there are amendments not relevant to this instrument.

(98) 1989 c. 42.

recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the Combined Authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.”.

(4) In regulation 15(3)(a) (disapplication of requirements of regulations), for “the office holder’s staff” substitute “staff deployed by the Combined Authority wholly or partly in relation to the Mayor’s PCC functions”.

(5) In regulation 28(1) (informal resolution)—

(a) omit paragraph (a);

(b) for paragraph (b), substitute—

“(b) the deputy mayor for policing and crime who is not a member of the Combined Authority at the time when the complaint is recorded;”.

(6) For regulation 29 (resolution in accordance with Part 3 of the Local Government Act 2000), substitute—

“Resolution in accordance with the Combined Authority’s code of conduct

29.—(1) If a complaint to which this Part applies concerns the conduct of—

(a) the Mayor, or

(b) the deputy mayor for policing and crime who is a member of the Combined Authority at the time when the complaint is recorded,

the police and crime panel shall pass the complaint to the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989 (“the monitoring officer”).

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011⁽⁹⁹⁾.

(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.”.

Police Appeals Tribunals Rules 2012

52.—(1) The Police Appeals Tribunals Rules 2012⁽¹⁰⁰⁾ are modified as follows.

(2) In rule 15(4) (legal and other representation) for “relevant local policing body” substitute “Combined Authority”.

Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012

53.—(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012⁽¹⁰¹⁾ are modified as follows.

(2) In regulation 3(2) (entities under the control of a relevant council)—

(a) in sub-paragraph (c), omit “or”;

(b) in sub-paragraph (d), after (c) insert “, or”;

⁽⁹⁹⁾ 2011 c. 20.

⁽¹⁰⁰⁾ S.I. 2012/2630, subject to modification and saving by S.I. 2020/1.

⁽¹⁰¹⁾ S.I. 2012/2087.

- (c) after sub-paragraph (d), insert—
 “(e) the Combined Authority.”.

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

54.—(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012(**102**) are modified as follows.

(2) In regulation 4(2) (report on proposed precept), for “may issue the proposed precept as the precept” substitute “may determine that the proposed PCC component is the final amount of the PCC component”.

(3) In regulation 5(2) (veto: police and crime commissioner’s response), for “precept that he now proposes to issue” substitute “PCC component that he now proposes to determine”.

(4) In regulation 6(2) (panel’s review of revised precept)—

- (a) in sub-paragraph (a), for “issuing the revised precept as the precept” substitute “finalising the revised precept as the PCC component to be determined”;
- (b) in sub-paragraph (b), for “precept that should be issued” substitute “PCC component that should be determined”.

(5) In regulation 7 (police and crime commissioner’s consideration of second report), for “1st March” substitute “the penultimate working day in February”.

(6) In regulation 8 (issuing precept)—

- (a) in paragraph (2)—
- (i) in sub-paragraph (a), for “issue the revised precept as the precept” substitute “finalise the revised precept as the PCC component to be determined”;
- (ii) in sub-paragraph (b), for “issue a different precept” substitute “finalise a different amount of the PCC component”;
- (b) in paragraph (3)—
- (i) in sub-paragraph (a), for “issue a precept” substitute “finalise the PCC component”;
- (ii) in sub-paragraph (b), for “issue a precept” substitute “finalise the PCC component”.

Local Government Pension Scheme Regulations 2013

55.—(1) The Local Government Pension Scheme Regulations 2013(**103**) are modified as follows.

(2) After regulation 64(8) (special circumstances where revised actuarial valuations and certificates must be obtained), insert—

“(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the Commissioner’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Combined Authority by virtue of the West Midlands Combined Authority (Transfer of Police and Crime Commissioner Functions) Order 2024.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

(102) S.I. 2012/2271.

(103) S.I. 2013/2356. There are amendments not relevant to this instrument.

Local Audit (Auditor Resignation and Removal) Regulations 2014

56.—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014(**104**) are modified as follows.

- (2) In regulation 2 (application of these Regulations to policing bodies)—
- (a) in paragraph (3), for “police and crime commissioner” substitute “Combined Authority”;
 - (b) in paragraph (4), for “a police and crime commissioner” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

Combined Authorities (Mayors) (Filling of Vacancies) Order 2017

57.—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(**105**) is modified as follows.

- (2) In article 4(d) (date on which vacancy occurs)—
- (a) in paragraph (ii), omit “or”;
 - (b) in paragraph (iii), at the end insert “or”;
 - (c) after paragraph (iii), insert—
 - “(iv) the mayor ceasing to hold office by virtue of section 63 (vacancy where acting commissioner acts for 6 months) of the Police Reform and Social Responsibility Act 2011;”.

Police Appeals Tribunals Rules 2020

58.—(1) The Police Appeals Tribunal Rules 2020(**106**) are modified as follows.

(2) In rule 19(4)(c) and (d) (legal and other representation), for “relevant local policing body” substitute “Combined Authority”.

Policing Protocol Order 2023

59.—(1) The Policing Protocol Order 2023(**107**) is modified as follows.

- (2) In the Schedule—
- (a) in paragraph 5, for “of each PCC”, substitute “deployed by the Combined Authority wholly or partly in relation to the Mayor’s PCC functions”;
 - (b) for paragraph 13, substitute—

13. Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

13A. The staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions are accountable to the directly elected Mayor to enable the Mayor to exercise their PCC functions.”;
 - (c) in paragraph 16, for “precept” substitute “PCC component”;
 - (d) in paragraph 17(d), for “precept” substitute “PCC component”;
 - (e) in paragraph 24—

(104) S.I. 2014/1710.

(105) S.I. 2017/69.

(106) S.I. 2020/1.

(107) S.I. 2023/649.

- (i) in sub-paragraph (a), for “precept” substitute “PCC component”;
- (ii) in sub-paragraph (h), for “incapacitated, resigns or is disqualified” substitute “suspended from the exercise of PCC functions”;
- (iii) omit sub-paragraph (i);
- (f) after paragraph 24, insert—

“**24A.** Complaints against the Mayor and deputy mayor for policing and crime (if that person is a member of the Combined Authority) will be dealt with in accordance with the Combined Authority’s existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the Director General of the Independent Office for Police Conduct in line with legislation.”.

SCHEDULE 2

Article 4(3)

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 resumption of land required for public purposes)(**108**).
2. The following provisions of the Local Government Act 1972(**109**)—
 - (a) section 102(6) to (11) (appointment of committees);
 - (b) section 223(2) (appearance of local authorities in legal proceedings);
 - (c) paragraph 6ZA of Part 1 of Schedule 12 (meetings and proceedings of local authorities).
3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to Crown or to local authority etc.)(**110**).
4. Section 14(1)(caa) of the Rent Act 1977 (landlord’s interest belonging to local authority, etc.)(**111**).

(108) 1967 c. 88. Section 28(5)(a) was amended by paragraph 85 of Schedule 16 to the PRSR Act. There are other amendments to section 28 not relevant to this instrument.

(109) 1972 c. 70. Section 102(6) to (11) and paragraph 6ZA were inserted by section 7 of the 2017 Act. Section 102(9) was amended by section 74 of the Levelling-up and Regeneration Act 2023. Section 223 was amended by paragraph 21 of Schedule 14 to the Local Government Act 1985 (c. 51), part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40), paragraph 12 of Schedule 4 to the Police and Magistrates’ Courts Act 1994 (c. 29), paragraph 17(a) of Schedule 22 and Schedule 24 to the Environment Act 1995 (c. 25), paragraph 28 of Schedule 21 to the Legal Services Act 2007 (c. 29), paragraph 24 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, paragraph 109 of Schedule 16 to the PRSR Act, paragraph 6(7)(k) of Schedule 13 to the Deregulation Act 2015 (c. 20), paragraph 27 of Schedule 1 to the 2017 Act, and by S.I. 2001/3719 and 2022/372.

(110) 1976 c. 80. Section 5(3)(baa) was inserted by paragraph 52 of Schedule 4 to the Police and Magistrates’ Court Act 1994 and amended by paragraph 134 of Schedule 16 to the PRSR Act.

(111) 1977 c. 42. Section 14(1)(caa) was inserted by paragraph 53 of Schedule 4 to the Police and Magistrates’ Court Act 1994 and amended by paragraph 135 of Schedule 16 to the PRSR Act.

5. Sections 95, 96A, 97 and 98 of the Local Government, Planning and Land Act 1980 (land held by public bodies)(112).
6. Sections 33 (enforceability by local authorities of certain covenants relating to land) and 41 (lost and uncollected property) of the Local Government (Miscellaneous Provisions) Act 1982(113).
7. Sections 13AB(8)(f) and 13B(4)(g) of the Representation of the People Act 1983 (alteration of registers)(114).
8. Section 60 of the County Courts Act 1984 (right of audience)(115).
9. The following provisions of the Housing Act 1985(116)—
 - (a) section 80(1) (the landlord condition);
 - (b) section 157(1) (restriction on disposal of dwelling-houses in National Parks);
 - (c) section 171(2) (power to extend right to buy);
 - (d) section 573(1) (meaning of public sector authority);
 - (e) paragraph 2(1) of Schedule 1 (tenancies which are not secure tenancies);
 - (f) grounds 7 and 12 in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies);
 - (g) ground 5 in Schedule 3 (grounds for withholding consent to assignment by way of exchange);
 - (h) paragraph 7(1) of Schedule 4 (qualifying period for right to buy and discount);
 - (i) paragraph 5(1)(b) of Schedule 5 (exceptions to the right to buy).
10. Section 38 of the Landlord and Tenant Act 1985 (minor definitions)(117).
11. Section 7 of the Local Government Act 1986 (transfer requires mortgagee's consent)(118).
12. Section 58 of the Landlord and Tenant Act 1987 (exempt landlords and resident landlords)(119).

(112) 1980 c. 65. Section 96A was inserted, and section 97 substituted, by paragraphs 2 and 3 of Schedule 5 to the Local Government Act 1988 (c. 9). Section 98 was amended by paragraphs 4(2) and (3) of the Local Government Act 1988, section 176(1) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), and by S.I. 2009/1941.

(113) 1982 c. 30. Section 33 was amended by paragraph 6 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), paragraph 56(2)(a) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, paragraph 156 of Schedule 16 to the PRSR Act, paragraphs 6(1) and 16(a) of Schedule 13 to the Deregulation Act 2015, and paragraph 66 of Schedule 2 to the 2017 Act. There are other amendments to section 33 not relevant to this instrument.

(114) 1983 c. 2. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6) and amended by paragraph 4 of Schedule 2 to the Recall of MPs Act 2015 (c. 25) and by S.I. 2018/1310. Section 13B was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by section 11 of the Electoral Administration Act 2006 (c. 22), section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), paragraph 3 of Schedule 10 to the PRSR Act, paragraph 13 of Schedule 4 to the Electoral Registration and Administration Act 2013, and paragraph 5 of Schedule 2 to the Recall of MPs Act 2015, and by S.I. 2018/1310.

(115) 1984 c. 28. Section 60 was amended by paragraph 58 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 159 of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(116) 1985 c. 68. There are amendments not relevant to this instrument.

(117) 1985 c. 70. The definition of “local authority” in section 38 was amended by paragraph 70 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 75 of Schedule 2 to the 2017 Act. There are other amendments not relevant to this instrument.

(118) 1986 c. 10.

(119) 1987 c. 31. Section 58(1)(a) was amended by paragraph 72 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 176 of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

13. Sections 111, 113, 114 and 114A of the Local Government Finance Act 1988 (financial administration)(**120**).

14. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies)(**121**).

15. Section 39 of the Local Government Finance Act 1992 (precepting and precepted authorities)(**122**).

16. Section 33 of the Value Added Tax Act 1994 (refunds of VAT in certain cases)(**123**).

17. Section 94 of the Police Act 1996 (financing of new police and crime commissioners)(**124**).

18. Paragraph 57 of Schedule 1 to the Freedom of Information Act 2000 (public authorities)(**125**).

19. Sections 21 and 22 of the Local Government Act 2003 (accounts)(**126**).

20. The following provisions of the Fire and Rescue Services Act 2004(**127**)—

- (a) section 3(7) and (9) (creation of combined fire and rescue authorities: supplementary);
- (b) section 4A (power to provide for police and crime commissioner to be fire and rescue authority);
- (c) Schedule A1 (procedure for orders under section 4A);
- (d) Schedule A2 (application of legislation relating to police and crime commissioners).

21. The following provisions of the PRSR Act—

- (a) section 1(1) to (4) (police and crime commissioners)(**128**);
- (b) sections 50 to 61 (elections and vacancies);
- (c) section 69 (validity of acts);
- (d) sections 71 to 75 (elections: further provision);
- (e) section 102(3) (interpretation: police and crime commissioner's staff);
- (f) Schedule 1, paragraphs 2, 3, 5(1), 6(1), (2), and (4), and 7 (police and crime commissioners);
- (g) Schedule 6, paragraphs 33 to 35 (duty to nominate elected mayor to be a member of police and crime panel);
- (h) Schedule 10 (elections: consequential amendments).

22. Paragraph 19 of Schedule 2 to the Local Audit and Accountability Act 2014 (relevant authorities)(**129**).

23. The following provisions of the Policing and Crime Act 2017(**130**)—

- (a) section 5(7)(a) and (9)(a) (collaboration agreements: definitions);

(120) 1988 c. 41. Section 111 was amended by paragraph 186 of Schedule 16 to the PRSR Act. Section 114(4)(b) was substituted by paragraph 118 of Schedule 16 to the PRSR Act. Section 114A was inserted by S.I. 2001/2237. There are other amendments not relevant to this instrument.

(121) 1988 c. 50. Paragraph 12(2)(g) was substituted by paragraph 178 of Schedule 16 to the PRSR Act.

(122) 1992 c. 14. Section 39 was amended by section 26(2) of the PRSR Act. There are other amendments not relevant to this instrument.

(123) 1994 c. 23. Section 33 was amended by paragraph 217 of Schedule 16 to the PRSR Act.

(124) 1996 c. 16. Section 94 was amended by section 25(7) to (11) of the PRSR Act.

(125) 2000 c. 36. Paragraph 57 of Schedule 1 was substituted by paragraph 249 of Schedule 16 to the PRSR Act.

(126) 2003 c. 26.

(127) 2004 c. 21. Section 3(6) to (9) were inserted by section 7(12) of the 2017 Act. Section 4A was inserted by paragraph 5 of Schedule 1 to that Act. Schedules A1 and A2 were inserted by paragraph 13 of Schedule 1 to that Act.

(128) Section 1 was amended by section 183 of the 2017 Act.

(129) 2014 c. 2.

(130) 2017 c. 3.

- (b) paragraph 92 of Schedule 1 (amendments to Schedule 6 to the Police Reform and Social Responsibility Act 2011).

PART 2

Secondary legislation

- 24.** The Police and Crime Commissioner Elections Order 2012.
- 25.** The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(**131**).
- 26.** The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012(**132**).
- 27.** The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012(**133**).
- 28.** The following provisions of Schedule 2 to the Local Government Pension Scheme Regulations 2013 (scheme employers)(**134**)—
- (a) paragraph 6 of Part 1;
 - (b) Part 4.
- 29.** The Police and Crime Commissioner Elections Order 2015(**135**).
- 30.** Article 7 of the Chancellor of the Duchy of Lancaster Order 2015(**136**).
- 31.** The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015(**137**)
- 32.** The Police and Crime Commissioner Elections (Designation of Local Authorities) Order 2020(**138**).
- 33.** The Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) Order 2020(**139**).
- 34.** The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2021(**140**).

(131) S.I. 2012/1918, amended by S.I. 2016/300 and 2022/263.

(132) S.I. 2012/2088, amended by S.I. 2015/1526, 2016/488, 2021/179, and 2021/1265.

(133) S.I. 2012/2553.

(134) S.I. 2013/2356.

(135) S.I. 2015/665.

(136) S.I. 2015/1376.

(137) S.I. 2015/1526.

(138) S.I. 2020/134, amended by S.I. 2021/258 and 2022/1079.

(139) S.I. 2020/136, amended by S.I. 2021/259 and 2022/1079.

(140) S.I. 2021/390, amended by S.I. 2022/1079.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the transfer of police and crime commissioner (“PCC”) functions from the police and crime commissioner for the West Midlands to the Mayor of the West Midlands (“the Mayor”).

Article 3 provides for the transfer of functions to the Mayor, and the abolition of the PCC for the West Midlands.

Article 4 provides that, in relation to the Mayor’s PCC functions, the Mayor is to be treated as a PCC for the purposes of all legislation affecting PCCs. Schedule 1 sets out modifications of such legislation in its application to the Mayor and Schedule 2 lists certain legislation that does not apply.

Articles 5 to 9 make provision in relation to the transfer of property, rights and liabilities from the PCC for the West Midlands to the West Midlands Combined Authority. The Mayor is to exercise all functions and make all decisions in relation to such property, rights and liabilities.

Article 10 extends the period under the Local Audit and Accountability Act 2014 (c. 2) in which a statement of accounts must be prepared. Article 11 applies and modifies section 86 of the Local Government Act 1972 (c. 70) to provide for circumstances where the Mayor is unable to act as Mayor for more than six months. Article 12 makes amendments to legislation consequential on this Order.

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.