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**Changes to legislation:** Energy Act 2004, SCHEDULE 12 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 12

Section 61

#### PLANNING AND REPORTS ABOUT CONSTABULARY

##### PART 1

##### PLANNING

###### *Determination of annual objectives for Constabulary*

- 1 (1) Before the beginning of each financial year, the Police Authority must determine objectives for policing by the Constabulary during that year.
- (2) The objectives must—
- (a) incorporate every objective relating to policing imposed by directions under paragraph 1 of Schedule 13; and
  - (b) otherwise be consistent with the directions given by the Secretary of State to the Police Authority under this Chapter.
- [<sup>F1</sup>(3) In determining the objectives, the Police Authority must have regard to any strategic priorities determined for that year by the Secretary of State under section 37A of the Police Act 1996 (strategic priorities for police authorities).]
- (4) Before determining the objectives, the Police Authority must consult the chief constable.

#### Textual Amendments

- F1** Sch. 12 para. 1(3) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 14 para. 59](#)

#### Commencement Information

- I1** Sch. 12 para. 1 in force at 1.4.2005 by [S.I. 2005/877](#), art. 2(1), [Sch. 1](#)

###### *Annual policing plan*

- 2 (1) Before the beginning of each financial year, the Police Authority must issue a plan setting out the proposed arrangements for policing by the Constabulary during the year (the “annual policing plan”).
- (2) The annual policing plan must include a statement of—
- (a) the objectives determined for the year under paragraph 1;
  - (b) the Police Authority’s priorities for the year;
  - (c) the performance targets set by the Police Authority for the year; and

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- (d) the financial resources expected to be available and the proposed allocation of those resources.
- (3) The annual policing plan for a financial year must be consistent with the three-year strategy plan <sup>F2</sup>... issued or proposed to be issued under paragraph 3 for a period that includes that financial year.
- (4) Before an annual policing plan for a financial year is issued, a draft of a plan for that year must have been—
  - (a) prepared by the chief constable; and
  - (b) submitted by him to the Police Authority for its consideration.
- (5) Before the Police Authority issues an annual policing plan which differs from the draft submitted by the chief constable, it must consult him.
- (6) The Police Authority must—
  - (a) arrange for every annual policing plan to be published in such manner as appears to it to be appropriate; and
  - (b) send a copy of every annual policing plan to the Secretary of State.

#### Textual Amendments

**F2** Words in [Sch. 12 para. 2\(3\)](#) omitted (31.1.2024) by virtue of [Energy Act 2023 \(c. 52\)](#), [ss. 310\(2\)\(b\)\(i\)](#), [334\(1\)](#); [S.I. 2024/32](#), [reg. 3\(c\)](#)

#### Commencement Information

**I2** [Sch. 12 para. 2](#) in force at 1.4.2005 by [S.I. 2005/877](#), [art. 2\(1\)](#), [Sch. 1](#)

#### *Three-year strategy plan*

- 3 (1) Before the beginning of each [<sup>F3</sup>three-year period], the Police Authority must issue a plan setting out the Police Authority’s medium and long term strategies for policing by the Constabulary during [<sup>F4</sup>that period] (the “three-year strategy plan”).
- (2) Before a three year strategy plan for any period is issued, a draft of a plan for that period must have been—
  - (a) prepared by the chief constable; and
  - (b) submitted by him to the Police Authority for its consideration.
- (3) Before the Police Authority issues a three-year strategy plan which differs from the draft submitted by the chief constable, it must consult him.
- (4) The Police Authority must—
  - (a) arrange for every three-year strategy plan to be published in such manner as appears to it to be appropriate; and
  - (b) send a copy of every three-year strategy plan to the Secretary of State.
- [<sup>F5</sup>(5) In sub-paragraph (1), “three-year period” means—
  - (a) the period of three successive financial years beginning with 1 April 2024, and
  - (b) each subsequent period of three successive financial years.]

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#### Textual Amendments

- F3** Words in Sch. 12 para. 3(1) substituted (31.1.2024) by Energy Act 2023 (c. 52), ss. 310(1)(a)(i), 334(1); S.I. 2024/32, reg. 3(c)
- F4** Words in Sch. 12 para. 3(1) substituted (31.1.2024) by Energy Act 2023 (c. 52), ss. 310(1)(a)(ii), 334(1); S.I. 2024/32, reg. 3(c)
- F5** Sch. 12 para. 3(5) substituted (31.1.2024) by Energy Act 2023 (c. 52), ss. 310(1)(b), 334(1); S.I. 2024/32, reg. 3(c)

#### Commencement Information

- I3** Sch. 12 para. 3 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

#### *Initial objectives and plans*

- 4 The first objectives that are required to be determined under paragraph 1, and the first plans or draft plans to be issued or prepared under paragraphs 2 and 3, must be determined, issued or prepared as if the references in this Part of this Schedule to a financial year were references to such period ending—
- (a) not more than two years after the commencement of this Part of this Schedule, and
  - (b) with a 31st March,
- as may be notified to the Police Authority by the Secretary of State.

#### Commencement Information

- I4** Sch. 12 para. 4 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

## PART 2

### REPORTS

#### *Annual report by chief constable*

- 5 The chief constable must, as soon as possible after the end of each reporting year—
- (a) submit to the Police Authority a report on the policing carried out by the Constabulary during that year; and
  - (b) arrange for the report to be published in such manner as appears to him to be appropriate.

#### Commencement Information

- I5** Sch. 12 para. 5 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

#### *Power of Police Authority to require reports*

- 6 (1) Whenever he is required to do so by the Police Authority, the chief constable must submit to it a report—
- (a) on such matters connected with policing by the Constabulary, and

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- (b) in such form,  
as it may specify.
- (2) The Police Authority may—
  - (a) arrange for a report submitted to it under this paragraph to be published in such manner as appears to it to be appropriate; or
  - (b) require the chief constable to arrange for it to be published in that manner.
- (3) If it appears to the chief constable that a report required from him under this paragraph would contain—
  - (a) information which, in the public interest, ought not to be disclosed, or
  - (b) information which is not needed by the Police Authority for the carrying out of its functions,
 he may request the Police Authority to refer its requirement for a report to the Secretary of State.
- (4) Where a request is made under sub-paragraph (3), the requirement for the report has effect only to the extent that it is confirmed by the Secretary of State.

**Commencement Information**

**I6** Sch. 12 para. 6 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

*Annual report by Police Authority*

- 7
- (1) As soon as possible after the end of each reporting year, the Police Authority must issue a report relating to the policing carried out by the Constabulary during that year (an “annual report”).
  - (2) The annual report must include an assessment of the extent to which, during that year, proposals have been implemented and things have been done in accordance with—
    - (a) the three-year strategy plan <sup>F6</sup>... for a period in which that year ends; and
    - (b) the annual policing plan issued—
      - (i) in the case of the first annual report, for every financial year the whole or a part of which is included in the reporting year; and
      - (ii) in any other case, for the financial year that coincides with the reporting year.
  - (3) The Police Authority must send a copy of each annual report to the Secretary of State.
  - (4) Where the Secretary of State receives a copy of the Police Authority’s annual report for any year, he must—
    - (a) lay it before Parliament; and
    - (b) arrange for it to be published in such manner as appears to him to be appropriate.

**Textual Amendments**

**F6** Words in Sch. 12 para. 7(2)(a) omitted (31.1.2024) by virtue of Energy Act 2023 (c. 52), ss. 310(2)(b) (ii), 334(1); S.I. 2024/32, reg. 3(c)

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#### Commencement Information

**I7** Sch. 12 para. 7 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

#### *Power of Secretary of State to require reports*

- 8 (1) The Secretary of State may at any time require the Police Authority to submit to him a report on such matters connected with—
- (a) the carrying out of its functions, or
  - (b) policing by the Constabulary,
- as he may specify.
- (2) The Secretary of State may at any time require the chief constable to submit to him a report on such matters connected with policing by the Constabulary as the Secretary of State may specify.
- (3) If the Secretary of State specifies a particular form for a report under this paragraph, the report must be submitted in that form.
- (4) Where a report is submitted to the Secretary of State under this paragraph, he may—
- (a) arrange for it to be published in such manner as appears to him to be appropriate; or
  - (b) require the person submitting the report to arrange for it to be published in that manner.

#### Commencement Information

**I8** Sch. 12 para. 8 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

#### *Meaning of “reporting year”*

- 9 (1) In this Part of this Schedule “reporting year”, in relation to the Police Authority or the chief constable, means—
- (a) the initial reporting year; or
  - (b) a financial year after the end of the initial reporting year.
- (2) In this paragraph “the initial reporting year” means—
- (a) where the Police Authority is established at the beginning of a financial year, that financial year; and
  - (b) in any other case, the period which begins with the day on which the Police Authority is established and ends—
    - (i) if no direction is given under sub-paragraph (ii), with 31st March in the financial year current on that day; and
    - (ii) if the Secretary of State so directs, with 31st March at the end of the following financial year.

#### Commencement Information

**I9** Sch. 12 para. 9 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)