



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

[^{F1}Mayors for combined authority areas]

[^{F1}107EC]Section 107EA orders: further provision

- (1) An order under section 107EA(2) may make provision for the making of a scheme to transfer property, rights and liabilities (including criminal liabilities)—
 - (a) from a fire and rescue authority or the combined authority to the chief constable, or
 - (b) from the chief constable to the combined authority,(including provision corresponding to any provision made by section 17(4) to (6) of the Localism Act 2011).
- (2) A chief constable to whom an order under section 107EA(2) applies may appoint staff for the purpose of the exercise of the chief constable's fire and rescue functions.
- (3) A chief constable to whom an order under section 107EA(2) applies may—
 - (a) pay remuneration, allowances and gratuities to members of the chief constable's fire and rescue staff;
 - (b) pay pensions to, or in respect of, persons who are or have been such members of staff;
 - (c) pay amounts for or towards the provision of pensions to, or in respect of, persons who are or have been such members of staff.
- (4) In subsection (3) “allowances”, in relation to a member of staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Status: Point in time view as at 17/07/2017.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 107EC. (See end of Document for details)

- (5) Subject to subsections (6) to (8), a person who is employed pursuant to a transfer by virtue of subsection (1) or an appointment under subsection (2) may not at the same time be employed pursuant to an appointment by a chief constable of the police force for a police area under Schedule 2 to the Police Reform and Social Responsibility Act 2011.
- (6) Where an order under section 107EA(2) is in force in relation to the chief constable of the police force for a police area, the person who is for the time being the police force's chief finance officer is to be responsible for the proper administration of financial affairs relating to the exercise of the chief constable's fire and rescue functions.
- (7) Subsection (5) does not prevent a person who is employed as a finance officer for fire functions from being at the same time employed as a finance officer for police functions.
- (8) In subsection (7)—
- “finance officer for fire functions” means a member of a chief constable's fire and rescue staff who—
- (a) is not a chief finance officer of the kind mentioned in subsection (6), and
- (b) is employed to carry out duties relating to the proper administration of financial affairs relating to the exercise of the chief constable's fire and rescue functions;
- “finance officer for police functions” means a member of a chief constable's civilian staff within the meaning of the Police Reform and Social Responsibility Act 2011 who—
- (a) is not a chief finance officer of the kind mentioned in subsection (6), and
- (b) is employed to carry out duties relating to the proper administration of a police force's financial affairs.
- (9) Where an order under section 107EA(2) is in force, the combined authority to which the order applies must pay—
- (a) any damages or costs awarded against the chief constable to whom the order applies in any proceedings brought against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff;
- (b) any costs incurred by the chief constable in any such proceedings so far as not recovered by the chief constable in the proceedings;
- (c) any sum required in connection with the settlement of any claim made against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff, if the settlement is approved by the authority.
- (10) Where an order under section 107EA(2) is in force, the combined authority to which the order applies may, in such cases and to such extent as appears to the authority to be appropriate, pay—
- (a) any damages or costs awarded against a member of the fire and rescue staff of the chief constable to whom the order applies in proceedings for any unlawful conduct of that member of staff;
- (b) costs incurred and not recovered by such a member of staff in such proceedings;
- (c) sums required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (11) In this section—

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- “fire and rescue functions” has the same meaning as in section 107EA;
“fire and rescue staff”, in relation to a chief constable to whom an order under section 107EA(2) applies, means—
- (a) staff transferred to the chief constable under a scheme made by virtue of subsection (1);
 - (b) staff appointed by the chief constable under subsection (2).]

Textual Amendments

- F1** Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

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