



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 7

OTHER PROVISIONS RELATING TO POLICING AND CRIME AND DISORDER

Duties and powers of Secretary of State

78 General duty of Secretary of State

The Secretary of State must exercise the powers conferred by this Part in such manner and to such extent as appears to the Secretary of State to be best calculated to promote the efficiency and effectiveness of the police.

79 Policing protocol

- (1) The Secretary of State must issue a policing protocol.
- (2) Each relevant person must have regard to the policing protocol in exercising the person's functions.
- (3) The Secretary of State may at any time—
 - (a) vary the policing protocol, or
 - (b) replace the policing protocol.
- (4) Before varying or replacing the policing protocol, the Secretary of State must consult—

Status: This is the original version (as it was originally enacted).

- (a) such persons as appear to the Secretary of State to represent the views of elected local policing bodies,
 - (b) such persons as appear to the Secretary of State to represent the views of chief officers of police of police forces maintained by elected local policing bodies,
 - (c) such persons as appear to the Secretary of State to represent the views of police and crime panels, and
 - (d) such other persons as the Secretary of State thinks fit.
- (5) The functions of the Secretary of State under subsections (1) and (3) are exercisable by order.
- (6) In this section—
- “police and crime panel” means—
 - (a) each police and crime panel established in accordance with Schedule 6 (police areas outside London);
 - (b) the London Assembly’s police and crime panel (see section 32);
 - “policing protocol” means a document which sets out, or otherwise makes provision about, ways in which relevant persons should (in the Secretary of State’s view) exercise, or refrain from exercising, functions so as to—
 - (a) encourage, maintain or improve working relationships (including co-operative working) between relevant persons, or
 - (b) limit or prevent the overlapping or conflicting exercise of functions;
 - “relevant persons” means—
 - (a) the Secretary of State in the exercise of policing functions;
 - (b) each elected local policing body;
 - (c) the chief officer of each police force maintained by an elected local policing body;
 - (d) police and crime panels.

80 Obtaining advice from representative bodies

- (1) The Secretary of State may, in connection with the exercise by the Secretary of State of any function relating to the police or policing, require a representative body to give the Secretary of State advice on any matter.
- (2) A requirement under subsection (1) may specify the period within which the advice is to be given.
- (3) A representative body must comply with a requirement under subsection (1).
- (4) In a case where—
 - (a) the Secretary of State makes such a request, and
 - (b) the representative body gives the advice (and, where applicable, does so within the period specified),
 the Secretary of State must have regard to the advice in that exercise of that function.
- (5) In this section “representative body” means any body which appears to the Secretary of State to represent the professional views of members of one or more police forces.

81 Abolition of certain powers of Secretary of State

In the Police Act 1996, omit—

- (a) section 38 (performance targets for police strategic priorities);
- (b) section 39 (codes of practice for police authorities);
- (c) section 43 (reports from police authorities to Secretary of State).

82 Suspension and removal of senior police officers

- (1) The Police Act 1996 is amended as follows.
- (2) Section 42 (removal of chief constables etc) is amended in accordance with subsections (3) to (11).
- (3) For the title substitute “**Metropolitan police: suspension or removal of Commissioner or Deputy Commissioner**”.
- (4) For subsections (1) to (1B) substitute—
 - “(1) The Secretary of State may require the Mayor’s Office for Policing and Crime to exercise the power under section 48 of the Police Reform and Social Responsibility Act 2011 (the “2011 Act”) to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign.
 - (1A) The Secretary of State may also require the Mayor’s Office for Policing and Crime to exercise the power under section 48 of the 2011 Act to suspend the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, if the Secretary of State considers that it is necessary for the maintenance of public confidence in the metropolitan police force for that police officer to be suspended.”.
- (5) In subsection (2), for the words before paragraph (a) substitute—
 - “(2) Before requiring the Mayor’s Office for Policing and Crime to exercise its power to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign, the Secretary of State shall—”.
- (6) In subsection (2A), for the words from “notice” (in the second place) to the end substitute “notice to the Mayor’s Office for Policing and Crime.”.
- (7) In subsection (3A)—
 - (a) in paragraph (a), for the words from “, Deputy” to “question” substitute “or Deputy Commissioner”;
 - (b) in paragraph (b), for the words from “Metropolitan” to “concerned” substitute “Mayor’s Office for Policing and Crime”.
- (8) In subsection (3B), for the words from “, Deputy” to “question” substitute “or Deputy Commissioner”.
- (9) In subsection (4), for the words from “, the Deputy” to “constable” substitute “or Deputy Commissioner”.
- (10) For subsection (4A) substitute—

“(4A) If the Secretary of State exercises the power conferred by subsection (1) to require the Mayor’s Office for Policing and Crime to call upon the Commissioner to retire or resign—

- (a) the requirement of section 48(1) of the 2011 Act to obtain the Secretary of State’s consent does not apply, and
- (b) section 48(5) of the 2011 Act does not apply.”.

(11) Omit subsection (4C).

(12) In section 50 (regulations for police forces), after subsection (2) insert—

“(2A) Without prejudice to the generality of subsection (1) or (2), regulations under this section may make provision with respect to the procedures to be followed by police and crime commissioners, or the Mayor’s Office for Policing and Crime, in exercising—

- (a) powers of suspension, or
- (b) powers of removal,

(whether, in the case of the Mayor’s Office for Policing and Crime, on their own initiative or in compliance with a requirement imposed by the Secretary of State).

(2B) In subsection (2A)—

“power of removal” means—

- (a) the power conferred on police and crime commissioners by section 38(3) of the 2011 Act to require chief constables to retire or resign;
- (b) the power conferred on the Mayor’s Office for Policing and Crime by section 48(3) of the 2011 Act to require the Commissioner or Deputy Commissioner of Police of the Metropolis to retire or resign;

“power of suspension” means—

- (a) the power conferred on police and crime commissioners by section 38(2) of the 2011 Act to suspend chief constables;
- (b) the power conferred on the Mayor’s Office for Policing and Crime by section 48(1) of the 2011 Act to suspend the Commissioner or Deputy Commissioner of Police of the Metropolis;

and for this purpose “2011 Act” means the Police Reform and Social Responsibility Act 2011.”.