
STATUTORY INSTRUMENTS

2020 No. 168

FIRE AND RESCUE SERVICES, ENGLAND

The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020

<i>Made</i>	- - - -	<i>21st February 2020</i>
<i>Laid before Parliament</i>		<i>26th February 2020</i>
<i>Coming into force</i>	- -	<i>18th March 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 18 and 190(1) of the Local Government and Housing Act 1989⁽¹⁾, sections 100 and 105(2) (b) of the Local Government Act 2000⁽²⁾ (“the 2000 Act”) and sections 2(6), 3, 4(4) and 60(2) of the Fire and Rescue Services Act 2004⁽³⁾ (“the 2004 Act”).

In accordance with sections 2(6) and 4(5) of the 2004 Act, the Secretary of State has consulted the authorities which appeared to the Secretary of State likely to be affected by Part 2 of these Regulations and such other persons as the Secretary of State considered appropriate.

In accordance with sections 2(8)(b) and 4(6) of the 2004 Act, the Secretary of State has caused an inquiry to be held in relation to the variation of the scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015⁽⁴⁾ and the variation of the Cleveland Fire Services Combination Scheme⁽⁵⁾.

The other authorities which are affected by a variation made by Part 2 of these Regulations have agreed to the relevant variation.

In accordance with section 100(5) of the 2000 Act, the Secretary of State has consulted such representatives of local government and such other persons as the Secretary of State considered appropriate about Part 3 of these Regulations.

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- (1) 1989 c. 42. Section 18 has been amended by the Police and Magistrates’ Court Act 1994 (c. 29), Schedule 4, paragraph 37, the Education Act 1996 (c. 56), Schedule 37, paragraph 97, and by the Local Government Act 2000 (c. 22), section 99.
- (2) 2000 c. 22.
- (3) 2004 c. 21. Sections 2 and 4 have been amended by the Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 1, paragraph 22, the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 7, Part 4, and the Deregulation Act 2015 (c. 20), Schedule 22, paragraph 16. Section 3 has been amended by the Policing and Crime Act 2017 (c. 3), section 7. Section 60 has been amended by the Localism Act 2011 (c. 20), section 9.
- (4) S.I. 2015/435, as amended by S.I. 2017/1165.
- (5) The Scheme is set out in the Schedule to the Cleveland Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3131); to which there are amendments not relevant to these Regulations.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020 and come into force on 18th March 2020.

Interpretation

2. In these Regulations, “the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme” means the scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015.

PART 2

Appointment of police and crime commissioner to combined fire and rescue authority

Variation of the Avon Fire Services Combination Scheme

3. The Avon Fire Services Combination Scheme(6) is varied in accordance with Schedule 1.

Variation of the Cleveland Fire Services Combination Scheme

4. The Cleveland Fire Services Combination Scheme is varied in accordance with Schedule 2.

Variation of the Humberside Fire Services Combination Scheme

5. The Humberside Fire Services Combination Scheme(7) is varied in accordance with Schedule 3.

Variation of the Leicestershire Fire Services Combination Scheme

6. The Leicestershire Fire Services Combination Scheme(8) is varied in accordance with Schedule 4.

Variation of the Bedfordshire Fire Services Combination Scheme

7. The Bedfordshire Fire Services Combination Scheme(9) is varied in accordance with Schedule 5.

(6) The Scheme is set out in the Schedule to the Avon Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3127); to which there are amendments not relevant to these Regulations.

(7) The Scheme is set out in the Schedule to the Humberside Fire Services (Combination Scheme) Order 1995 (S.I. 1995/3132); to which there are amendments not relevant to these Regulations.

(8) The Scheme is set out in the Schedule to the Leicestershire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2912); to which there are amendments not relevant to these Regulations.

(9) The Scheme is set out in the Schedule to the Bedfordshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2918); to which there are amendments not relevant to these Regulations.

Variation of the Derbyshire Fire Services Combination Scheme

8. The Derbyshire Fire Services Combination Scheme(10) is varied in accordance with Schedule 6.

Variation of the Durham Fire Services Combination Scheme

9. The Durham Fire Services Combination Scheme(11) is varied in accordance with Schedule 7.

Variation of the East Sussex Fire Services Combination Scheme

10. The East Sussex Fire Services Combination Scheme(12) is varied in accordance with Schedule 8.

Variation of the Buckinghamshire Fire Services Combination Scheme

11. The Buckinghamshire Fire Services Combination Scheme(13) is varied in accordance with Schedule 9.

Variation of the Berkshire Fire Services Combination Scheme

12. The Berkshire Fire Services Combination Scheme(14) is varied in accordance with Schedule 10.

Variation of the Cambridgeshire Fire Services Combination Scheme

13. The Cambridgeshire Fire Services Combination Scheme(15) is varied in accordance with Schedule 11.

Variation of the Cheshire Fire Services Combination Scheme

14. The Cheshire Fire Services Combination Scheme(16) is varied in accordance with Schedule 12.

Variation of the Hereford and Worcester Fire Services Combination Scheme

15. The Hereford and Worcester Fire Services Combination Scheme(17) is varied in accordance with Schedule 13.

(10) The Scheme is set out in the Schedule to the Derbyshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2919); to which there are amendments not relevant to these Regulations.

(11) The Scheme is set out in the Schedule to the Durham Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2921); to which there are amendments not relevant to these Regulations.

(12) The Scheme is set out in the Schedule to the East Sussex Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2922); to which there are amendments not relevant to these Regulations.

(13) The Scheme is set out in the Schedule to the Buckinghamshire Fire Services (Combination Scheme) Order 1996 (S.I. 1996/2924); to which there are amendments not relevant to these Regulations.

(14) The Scheme is set out in the Schedule to the Berkshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2695); to which there are amendments not relevant to these Regulations.

(15) The Scheme is set out in the Schedule to the Cambridgeshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2696); to which there are amendments not relevant to these Regulations.

(16) The Scheme is set out in the Schedule to the Cheshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2697); to which there are amendments not relevant to these Regulations.

(17) The Scheme is set out in the Schedule to the Hereford and Worcester Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2700); to which there are amendments not relevant to these Regulations.

Variation of the Kent Fire Services Combination Scheme

16. The Kent Fire Services Combination Scheme(18) is varied in accordance with Schedule 14.

Variation of the Shropshire Fire Services Combination Scheme

17. The Shropshire Fire Services Combination Scheme(19) is varied in accordance with Schedule 15.

Variation of the Lancashire Fire Services Combination Scheme

18. The Lancashire Fire Services Combination Scheme(20) is varied in accordance with Schedule 16.

Variation of the Nottinghamshire Fire Services Combination Scheme

19. The Nottinghamshire Fire Services Combination Scheme(21) is varied in accordance with Schedule 17.

Variation of the Devon and Somerset Fire and Rescue Authority Combination Scheme

20. The Devon and Somerset Fire and Rescue Authority Combination Scheme(22) is varied in accordance with Schedule 18.

Variation of the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme

21. The Dorset and Wiltshire Fire and Rescue Authority Combination Scheme is varied in accordance with Schedule 19.

PART 3

Allowances payable to members of a combined fire and rescue authority

Amendment of the Local Authorities (Members' Allowance) (England) Regulations 2003

22. In regulation 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003(23), after paragraph (1), insert—

“(1A) But a fire and rescue authority may not make any provision in such a scheme for the payment of any allowance to a PCC member of the authority.

(1B) For the purposes of paragraph (1A)—

“fire and rescue authority” means an authority of a description in regulation 3(1)(e);

(18) The Scheme is set out in the Schedule to the Kent Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2701); to which there are amendments not relevant to these Regulations.

(19) The Scheme is set out in the Schedule to the Shropshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2702); to which there are amendments not relevant to these Regulations.

(20) The Scheme is set out in the Schedule to the Lancashire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2760); to which there are amendments not relevant to these Regulations.

(21) The Scheme is set out in the Schedule to the Nottinghamshire Fire Services (Combination Scheme) Order 1997 (S.I. 1997/2761); to which there are amendments not relevant to these Regulations.

(22) The Scheme is set out in the Schedule to the Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790).

(23) S.I. 2003/1021, as amended by S.I. 2004/3168. There are other amending instruments but none is relevant.

“PCC member”, in relation to a fire and rescue authority, means a police and crime commissioner who is appointed, in that capacity, as a member of that authority.”

21st February 2020

Kit Malthouse
Minister of State
Home Office

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SCHEDULE 1

Article 3

Variation of the Avon Fire Services Combination Scheme

1. In paragraph 2 of the Avon Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011(24), for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

 - (a) may not vote, and

- (b) is not to be treated as a member of the Authority for any purpose.”.
5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
- “**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
- (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
- (3) This paragraph is subject to paragraphs 14 and 15(2). ”.
7. In paragraph 16 of that Scheme—
- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 2

Article 4

Variation of the Cleveland Fire Services Combination Scheme

1. In paragraph 2 of the Cleveland Fire Services Combination Scheme—
- (a) omit “and” at the end of the definition of “constituent authority”, and
- (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—
- ““relevant police and crime commissioner” means a police and crime commissioner—
- (a) whose area is the same as, or contains all of, the combined area, or
- (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—
- “**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.
- (2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.
- (3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
- (a) the existing paragraph becomes sub-paragraph (1), and

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(b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

“**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2). ”.

7. In paragraph 16 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104 and 106”.

SCHEDULE 3

Article 5

Variation of the Humberside Fire Services Combination Scheme

1. In paragraph 2 of the Humberside Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

 - (a) may not vote, and
 - (b) is not to be treated as a member of the Authority for any purpose.”.

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5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
 - “13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
 - (a) comes into office on the date of that appointment, and
 - (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
 - (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
 - (3) This paragraph is subject to paragraphs 14 and 15(2).”.
7. In paragraph 16 of that Scheme—
 - (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
 - (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 4

Article 6

Variation of the Leicestershire Fire Services Combination Scheme

1. In paragraph 2 of the Leicestershire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“11.—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

 - (2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.
 - (3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

12A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2).”.

7. In paragraph 16 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

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SCHEDULE 5

Article 7

Variation of the Bedfordshire Fire Services Combination Scheme

1. In paragraph 2 of the Bedfordshire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

 - (a) may not vote, and
 - (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
 - “13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
 - (a) comes into office on the date of that appointment, and
 - (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
 - (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
 - (3) This paragraph is subject to paragraphs 14 and 15(2).”.
7. In paragraph 16 of that Scheme—
 - (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
 - (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “102(1) to (5), 103, 104, 106”.

SCHEDULE 6

Article 8

Variation of the Derbyshire Fire Services Combination Scheme

1. In paragraph 2 of the Derbyshire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“11.—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

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“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

“12A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

“13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2).”.

7. In paragraph 16 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 7

Article 9

Variation of the Durham Fire Services Combination Scheme

1. In paragraph 2 of the Durham Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

 - (a) may not vote, and
 - (b) is not to be treated as a member of the Authority for any purpose.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
 - “**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
 - (a) comes into office on the date of that appointment, and
 - (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
 - (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
 - (3) This paragraph is subject to paragraphs 14 and 15(2).”.
7. In paragraph 16 of that Scheme—
 - (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
 - (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 8

Article 10

Variation of the East Sussex Fire Services Combination Scheme

1. In paragraph 2 of the East Sussex Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

 - (2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.
 - (3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

12A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2).”.

7. In paragraph 16 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 9

Article 11

Variation of the Buckinghamshire Fire Services Combination Scheme

1. In paragraph 2 of the Buckinghamshire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—
 - ““relevant police and crime commissioner” means a police and crime commissioner—
 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—
 - “**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.
 - (2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.
 - (3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—
 - “(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—
 - “**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.
 - (2) But the Authority may only make such an appointment in response to a request from the commissioner.
 - (3) If the Authority receives a request from a relevant police and crime commissioner, it must—
 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.
 - 12B.**—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—
 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.
 - (2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—
 - (a) may not vote, and
 - (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
 - “**13A.**—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
 - (a) comes into office on the date of that appointment, and
 - (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
 - (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
 - (3) This paragraph is subject to paragraphs 14 and 15(2).”.
7. In paragraph 16 of that Scheme—
 - (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
 - (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 10

Article 12

Variation of the Berkshire Fire Services Combination Scheme

1. In paragraph 2 of the Berkshire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

 - (2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.
 - (3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

12A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2).”.

7. In paragraph 16 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 11

Article 13

Variation of the Cambridgeshire Fire Services Combination Scheme

1. In paragraph 2 of the Cambridgeshire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

 - (a) may not vote, and
 - (b) is not to be treated as a member of the Authority for any purpose.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
 - “13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
 - (a) comes into office on the date of that appointment, and
 - (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
 - (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
 - (3) This paragraph is subject to paragraphs 14 and 15(2).”.
7. In paragraph 16 of that Scheme—
 - (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
 - (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 12

Article 14

Variation of the Cheshire Fire Services Combination Scheme

1. In paragraph 2 of the Cheshire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—
 - ““relevant police and crime commissioner” means a police and crime commissioner—
 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—
 - “11.—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.
 - (2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.
 - (3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

12A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2).”.

7. In paragraph 16 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 13

Article 15

Variation of the Hereford and Worcester Fire Services Combination Scheme

1. In paragraph 2 of the Hereford and Worcester Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

 - (a) may not vote, and
 - (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
 - “13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
 - (a) comes into office on the date of that appointment, and
 - (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
 - (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
 - (3) This paragraph is subject to paragraphs 14 and 15(2).”.
7. In paragraph 16 of that Scheme—
 - (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
 - (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 14

Article 16

Variation of the Kent Fire Services Combination Scheme

1. In paragraph 2 of the Kent Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—
 - ““relevant police and crime commissioner” means a police and crime commissioner—
 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—
 - “11.—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.
 - (2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.
 - (3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

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“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

12A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2).”.

7. In paragraph 16 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 15

Article 17

Variation of the Shropshire Fire Services Combination Scheme

1. In paragraph 2 of the Shropshire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

 - (a) may not vote, and
 - (b) is not to be treated as a member of the Authority for any purpose.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
 - “13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
 - (a) comes into office on the date of that appointment, and
 - (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
 - (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
 - (3) This paragraph is subject to paragraphs 14 and 15(2).”.
7. In paragraph 16 of that Scheme—
 - (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
 - (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 16

Article 18

Variation of the Lancashire Fire Services Combination Scheme

1. In paragraph 2 of the Lancashire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—
 - ““relevant police and crime commissioner” means a police and crime commissioner—
 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—
 - “11.—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.
 - (2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.
 - (3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

12A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 14 and 15(2).”.

7. In paragraph 16 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 17

Article 19

Variation of the Nottinghamshire Fire Services Combination Scheme

1. In paragraph 2 of the Nottinghamshire Fire Services Combination Scheme—
 - (a) omit “and” at the end of the definition of “constituent authority”, and
 - (b) at the end of the definition of “the fire brigade”, insert “; and” and as follows—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. For paragraph 11 of that Scheme substitute—

“**11.**—(1) Subject to sub-paragraph (2), the Authority is to consist of not more than 25 members.

(2) If the minimum number of members resulting from the operation of paragraphs 12 and 12A would be greater than 25, the Authority is to consist of that number of members.

(3) The members of the Authority are to be appointed in accordance with this Part.”.
3. In paragraph 12 of that Scheme—
 - (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) after that sub-paragraph, insert—

“(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

“**12A.**—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

 - (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.

12B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

 - (a) is appointed as a member of the Authority, and
 - (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

 - (a) may not vote, and
 - (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 13 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.
6. After that paragraph, insert—
 - “13A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 12A—
 - (a) comes into office on the date of that appointment, and
 - (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).
 - (2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.
 - (3) This paragraph is subject to paragraphs 14 and 15(2).”.
7. In paragraph 16 of that Scheme—
 - (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
 - (b) in sub-paragraph (2), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.
8. In paragraph 20(1) of that Scheme for “to 106” substitute “, 102(1) to (5), 103, 104, 106”.

SCHEDULE 18

Article 20

Variation of the Devon and Somerset Fire and Rescue Authority Combination Scheme

1. In paragraph 2 of the Devon and Somerset Fire and Rescue Authority Combination Scheme, after the definition of “constituent authority”, insert—

““relevant police and crime commissioner” means a police and crime commissioner—

 - (a) whose area is the same as, or contains all of, the combined area, or
 - (b) all or part of whose area falls within the combined area”.
2. In paragraph 6 of that Scheme—
 - (a) in sub-paragraph (2) for “paragraph 7” substitute “paragraphs 7 and 7A”, and
 - (b) omit sub-paragraph (3).
3. For paragraph 7 of that Scheme substitute—

“7.—(1) Each constituent authority must, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities’ areas.

(2) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.
4. After that paragraph, insert—

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“7A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

7B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 8 of that Scheme, after “the Authority”, insert “appointed by a constituent authority”.

6. After that paragraph, insert—

“8A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 7A—

- (a) comes into office on the date of that appointment, and
- (b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 9 and 10(2).”.

7. In paragraph 11 of that Scheme—

- (a) in sub-paragraph (1), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”, and
- (b) in sub-paragraph (3), after “member of the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 15 of that Scheme for “to 104” substitute “, 102(1) to (5), 103, 104”

SCHEDULE 19

Article 21

Variation of the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme

1. In paragraph 2 of the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme, after the definition of “constituent authorities”, insert—

““relevant police and crime commissioner” means a police and crime commissioner—

- (a) whose area is the same as, or contains all of, the combined area, or
- (b) all or part of whose area falls within the combined area”.

2. In paragraph 6 of that Scheme—

- (a) in sub-paragraph (1), for “paragraph 7” substitute “paragraphs 7 and 7A”;
- (b) for sub-paragraph (2) substitute—

“(2) The members of the Authority are to be appointed in accordance with this Part.”.

3. In paragraph 7, after sub-paragraph (2), insert—

“(3) Each representative appointed by a constituent authority under sub-paragraph (1) must be appointed from its own members.”.

4. After that paragraph, insert—

7A.—(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

(2) But the Authority may only make such an appointment in response to a request from the commissioner.

(3) If the Authority receives a request from a relevant police and crime commissioner, it must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such manner as it thinks appropriate.

7B.—(1) Sub-paragraph (2) applies where a relevant police and crime commissioner—

- (a) is appointed as a member of the Authority, and
- (b) arranges, under section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner’s behalf.

(2) Where this sub-paragraph applies, the person attending the meeting on behalf of the commissioner may speak at that meeting but—

- (a) may not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

5. In paragraph 8 of that Scheme, after “the Authority” insert “appointed by a constituent authority”.

6. After that paragraph, insert—

8A.—(1) A relevant police and crime commissioner appointed as a member of the Authority under paragraph 7A—

- (a) comes into office on the date of that appointment, and

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(b) continues to be a member of the Authority until the commissioner’s term of office comes to an end in accordance with section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

(2) But if a vacancy arises in the office of the relevant police and crime commissioner (see section 59 of the 2011 Act) before the end of that term, the commissioner ceases to be a member of the Authority on the date on which the vacancy in the office is regarded under section 59(1) of the 2011 Act as occurring.

(3) This paragraph is subject to paragraphs 9 and 11.”.

7. In paragraph 12 of that Scheme—

- (a) in sub-paragraph (1), after “the Authority”, in the first place it appears, insert “appointed by a constituent authority”;
- (b) in sub-paragraph (3), after “the Authority”, in the first place it appears, insert “appointed by a constituent authority”.

8. In paragraph 17 of that Scheme for “to 103” substitute “, 102(1) to (5), 103”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments for and in connection with the appointment of police and crime commissioners as members of certain fire and rescue authorities.

Appointment of police and crime commissioners as members of a fire and rescue authority

Part 2 of these Regulations amend various fire and rescue authority combination schemes (“the Schemes”) to enable the combined fire and rescue authorities created by them to appoint a police and crime commissioner as one of their members. This follows the provision made in section 7 of the Policing and Crime Act 2017 (c. 3) which enables police and crime commissioners to be represented on all types of fire and rescue authorities.

The following combined fire and rescue authorities will be able to appoint police and crime commissioners as members as a result of the provisions made by these Regulations:

- (a) the Avon Fire Authority (article 3 and Schedule 1),
- (b) the Cleveland Fire Authority (article 4 and Schedule 2)
- (c) the Humberside Fire Authority (article 5 and Schedule 3),
- (d) the Leicester, Leicestershire and Rutland Combined Fire Authority (article 6 and Schedule 4),
- (e) the Bedfordshire Fire and Rescue Authority (article 7 and Schedule 5),
- (f) the Derbyshire Fire Authority (article 8 and Schedule 6),
- (g) the County Durham and Darlington Fire and Rescue Authority (article 9 and Schedule 7),
- (h) the East Sussex Fire Authority (article 10 and Schedule 8),
- (i) the Buckinghamshire and Milton Keynes Fire Authority (article 11 and Schedule 9),

- (j) the Royal Berkshire Fire Authority (article 12 and Schedule 10),
- (k) the Cambridgeshire and Peterborough Fire Authority (article 13 and Schedule 11),
- (l) the Cheshire Fire Authority (article 14 and Schedule 12),
- (m) the Hereford and Worcester Fire Authority (article 15 and Schedule 13)
- (n) the Kent and Medway Towns Fire Authority (article 16 and Schedule 14),
- (o) the Shropshire and Wrekin Fire Authority (article 17 and Schedule 15),
- (p) the Lancashire Combined Fire Authority (article 18 and Schedule 16),
- (q) the Nottinghamshire and City of Nottingham Fire Authority (article 19 and Schedule 17),
- (r) the Devon and Somerset Fire and Rescue Authority (article 20 and Schedule 18), and
- (s) the Dorset and Wiltshire Fire and Rescue Authority (article 21 and Schedule 19).

Part 2 also makes various changes to the Schemes in consequence of the provision enabling the appointment of police and crime commissioners as members. Minor amendments are also made to the Schemes to remove references to provisions of the Local Government Act 1972 which have been repealed.

Payment of allowances

Part 3 of these Regulations amends the Local Authorities (Members' Allowance) (England) Regulations 2003 (S.I. 2003/1021) so that there is no requirement for a combined authority to pay any allowances to a police and crime commissioner who is appointed, in that capacity, as a member of the authority (article 22).

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.