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STATUTORY INSTRUMENTS

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**2021 No. 112**

The West Yorkshire Combined Authority  
(Election of Mayor and Functions) Order 2021

PART 10

Police and Crime Commissioner functions

**Police and Crime Commissioner functions**

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

(2) There is to be no police and crime commissioner for the Area from 10th May 2021.

(3) Any election of a police and crime commissioner for the Area that would otherwise take place (whether before, on, or after 10th May 2021) by virtue of section 50(1)(b) of the Police Reform and Social Responsibility Act 2011(1) is not to take place.

(4) The term of office of the police and crime commissioner for West Yorkshire is to continue until 10th May 2021.

(5) Any election to fill a vacancy in the office of police and crime commissioner for West Yorkshire which would otherwise take place under section 51 of the Police Reform and Social Responsibility Act 2011 is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending on 10th May 2021.

(6) For the purpose of this Part “the 2011 Act” means the Police Reform and Social Responsibility Act 2011(2).

**Transfer of police and crime commissioner functions**

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

(2) In their application to the Mayor, the police and crime commissioner enactments set out in Schedule 5 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to those enactments set out in Schedule 6.

**Transfer of property, rights and liabilities**

**36.**—(1) All property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 10th May 2021 were property, rights and liabilities of

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(1) 2011 c. 13.

(2) 2011 c. 13.

(3) The definition of “police and crime commissioner enactment” is at paragraph 12(5) of Schedule 5C to the 2009 Act.

the police and crime commissioner are to transfer to, and by virtue of this paragraph vest in, the Combined Authority on 10th May 2021.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the Mayor's PCC functions on or after 10th May 2021—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the Mayor;
- (c) any receipts arising from such property, rights and liabilities (whether arising from their use, sale, disposal or otherwise) are to be paid into the police fund kept by the Mayor by virtue of section 21 of the 2011 Act.

(3) All monies held in the police fund kept by the police and crime commissioner under section 21 of the 2011 Act immediately before 10th May 2021 are, on that date, to transfer to the police fund kept by the Mayor by virtue of that section (as applied in accordance with article 35).

(4) Nothing in paragraph (2) prevents the Mayor from making arrangements under section 18(4) of the 2011 Act (as applied in accordance with article 35) in relation to the matters mentioned in paragraph (2).

## Secondments

**37.** In the case of a person who, immediately before 10th May 2021 is seconded to the police and crime commissioner, the secondment is to have effect, after that time, as a secondment to the Combined Authority.

## Continuity

**38.—**(1) The abolition of the police and crime commissioner, the transfer or abolition of the commissioner's functions, and the transfer of the commissioner's property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

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

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

- (a) relates to any of the functions, property, rights or liabilities transferred; and
- (b) is in the process of being done by or in relation to the commissioner immediately before 10th May 2021.

(4) Anything which—

- (a) was made or done by or in relation to the commissioner for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before 10th May 2021,

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

(5) The Combined Authority is to be substituted for the commissioner in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and

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(4) [2011 c. 13](#). Section 18 makes provision to permit (with certain restrictions) the delegation of functions by a police and crime commissioner to the deputy police and crime commissioner and to other persons. Section 18 has been amended by section 79 of, and paragraph 53 of Schedule 7 to, the [Localism Act 2011 \(c. 20\)](#); and by section 45 of, and paragraph 116 of Schedule 12 to, the [Local Audit and Accountability Act 2014 \(c. 2\)](#).

(b) are made or commenced before 10th May 2021.

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

#### **Foreign property etc, perfection of vesting**

**39.**—(1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999<sup>(5)</sup> (foreign property, rights and liabilities: perfection of vesting) apply to the transfer by this Order of any foreign property, rights or liabilities.

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

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

#### **Transfers: supplementary provision**

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

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

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

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

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

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

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

(5) In this article—

“relevant document” means—

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

#### **Extension of financial year of Police and Crime Commissioner and Chief Constable for West Yorkshire**

**41.**—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014<sup>(6)</sup> for a relevant authority to prepare a statement of accounts for each financial year ending on 31st March is modified in the case of the police and crime commissioner and chief constable for the financial year which began on 1st April 2020 to require—

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(5) 1999 c. 29.

(6) 2014 c. 2.

- (a) the police and crime commissioner, or after the transfer made by this Order, the Combined Authority in respect of the police and crime commissioner’s accounts; and
- (b) the chief constable;

to prepare a statement of accounts from that date for the period which ends on 9th May 2021.

(2) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015<sup>(7)</sup> (“the Regulations”) concerning the commencement of the period for the exercise of public rights under regulation 9(1)(b) of the Regulations, is modified in the case of the police and crime commissioner and the chief constable for the financial year which began on 1st April 2020 so as to require the relevant responsible financial officer to ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of the Regulations begins on 19th July 2021.

(3) In this article—

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

“the relevant responsible financial officer” means—

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

“responsible financial officer” has the same meaning as in regulation 2(2) of the Regulations.

### **Modifications to the Local Government Act 1972**

**42.**—(1) Section 86 of the Local Government Act 1972<sup>(8)</sup> applies in relation to the Mayor with the following modification.

(2) After section 86(1)(c), insert—

“or

- (d) ceases to be the Mayor by virtue of section 63 of the 2011 Act;”.

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<sup>(7)</sup> S.I. 2015/234.

<sup>(8)</sup> 1972 c. 70. Section 86(2) was amended by section 59 of, and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments, but none is relevant.